DOCUMENT RESUME

ED 469 439 EA 032 046

TITLE	Collection of "ECS StateNotes," 2001 and Winter 2002.
INSTITUTION	Education Commission of the States, Denver, CO.
PUB DATE	2002-03-00
NOTE	289p.
AVAILABLE FROM	Education Commission of the States, 700 Broadway, #1200, Denver, CO 80203-3460 (No. IS-02-02; $25 plus postage and handling; quantity discounts available). Tel: 303-299-3600; Fax: 303-296-8332; Web site: http://www.ecs.org; e-mail: ecs@ecs.org.
PUB TYPE	Collected Works - General (020) -- Information Analyses (070)
EDRS PRICE	EDRS Price MF01/PC12 Plus Postage.
DESCRIPTORS	Early Childhood Education; *Educational Policy; Elementary Secondary Education; Higher Education; Public Education; *School Law; *State Legislation; State Programs
IDENTIFIERS	State Policy

ABSTRACT

This report is a compilation of educational policy items from all 50 states, where applicable. The report is organized into 25 sections: Accountability (K-12); Assessment; At Risk; Attendance; Bilingual/ESL; Character/Citizenship Education; Charter Schools; Choice; Dual/Concurrent Enrollment; Early Childhood; Finance; Financial Aid; Governance (K-12); Governance (Postsecondary); Kindergarten; Leadership (K-12); Open Enrollment; Postsecondary; Pre-Kindergarten; Reading/Literacy; Safety/Crime/Violence; Service-Learning/Community Service; Special Education; Uniforms/Dress Codes; and Vouchers. The information in each section is presented in tabular form or some similar form for scanning and quick retrieval. (WFA)

Reproductions supplied by EDRS are the best that can be made
from the original document.

EA

ED 469 439

2001 and Winter 2002 Collection of *ECS StateNotes*

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

S. F. WALKER

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

1

Education Commission of the States

EA 032 046

BEST COPY AVAILABLE

2001 and Winter 2002 Collection of *ECS StateNotes*

Education Commission
of the **States**

700 Broadway, Suite 1200
Denver, Colorado 80203-3460
303.299.3600
Fax: 303.296.8332
e-mail: ecs@ecs.org
www.ecs.org

March 2002

Over the last year, the ECS Clearinghouse issued over two dozen *ECS StateNotes* on a wide array of education issues. Typically, the *StateNotes* show at-a-glance state legislation passed or pending on specific issues. This packet contains the complete set for 2001 and Winter 2002.

Copies of this book are available for $25.00 plus postage and handling from the ECS Distribution Center, 700 Broadway, Suite 1200, Denver, Colorado 80203-3460, 303.299.3692. Ask for No. IS-02-02. ECS accepts prepaid orders, MasterCard, American Express and Visa. All sales are final.

ECS is pleased to have other organizations share its materials with their constituents. To request permission to excerpt part of this publication either in print or electronically, please write or fax Josie Canales, Education Commission of the States, 700 Broadway, Suite 1200, Denver, CO 80203-3460; fax 303.296.8322 or e-mail jcanales@ecs.org.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide interstate compact formed in 1965 to help governors, state legislators, state education officials and others develop policies to improve the quality of education. The ECS office is located in Denver, Colorado.

It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

• • •

Please add postage and handling if your order totals: Up to $10.00, $3.00; $10.01-$25.00, $4.25; $25.01-$50.00, $5.75; $50.01-$75.00, $8.50; $75.01-$100.00, $10.00; over $100.01-$12.00.

Generous discounts are available for bulk orders of single publications. They are: 10-24 copies, 10% discount; 25-40 copies, 20%; 50-74 copies, 30%; 75-99 copies, 40%; 100+ copies, 50%.

CONTENTS

Accountability (K-12)
Rewards and Sanctions for School Districts and Schools 1
State Performance Indicators 15
Assessment
State Assessment Programs in Grades and Subjects Required Under ESEA 23
At Risk
Funding Systems of At-Risk Programs in Randomly Selected States 27
Attendance
Habitual Truancy: Examples of State Definitions 31
Bilingual/ESL
A Survey of State ESL Funding Systems 33
Character/Citizenship Education
Pledge of Allegiance – 2001 35
Charter Schools
Charter School Accountability 41
Charter School Autonomy 55
Charter School Basics 61
Charter School Finance 87
Charter School Legislation, 2001 101
Charter School Teachers 109
Choice
School Choice: State Actions 119
Dual/Concurrent Enrollment
Postsecondary Options: Dual/Concurrent Enrollment 125
Early Childhood
Eligibility Requirements for Students 219
Funding for Pre-Kindergarten Programs 225
Pre-Kindergarten Program Descriptions 231
State Statutes Regarding Kindergarten 147
Teacher Qualification Requirements for State Funded PreKindergarten Programs 239
Finance
General State Education Information 151
A Survey of Finance Adequacy Studies 155
Survey of Selected States with Property Tax Policies that Provide Tax Relief to Homeowners 161
Financial Aid
Merit Scholarships 165
Governance (K-12)
Models of State Education Governance 171
Governance (Postsecondary)
State Master/Strategic Plans for Postsecondary Education 173
Kindergarten
State Statutes Regarding Kindergarten 147
Leadership (K-12)
Statewide Leadership Academies: A 50-State Scan 191
Open Enrollment
Open Enrollment 195
Postsecondary
State Master/Strategic Plans for Postsecondary Education 173
Pre-Kindergarten
Eligibility Requirements for Students 219
Funding for Pre-Kindergarten Programs 225
Pre-Kindergarten Program Descriptions 231

Teacher Qualification Requirements for State Funded PreKindergarten Programs 239
Reading/Literacy
Common State Strategies To Improve Student Reading 245
Summary of State Policies To Improve Student Reading 249
Safety/Crime/Violence
Discipline of Special Education Students 281
Service-Learning/Community Service
Institutionalized Service-Learning in the 50 States 259
Special Education
Discipline of Special Education Students 281
Teacher-Related Issues in Special Education 289
Uniforms/Dress Codes
School Uniforms and Dress Codes: State Policies 293
Vouchers
Voucher, Tax Credit and Tax Deduction Legislation, 2001 299

Education Commission of the States

ECS StateNotes

Accountability – Rewards and Sanctions

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Rewards and Sanctions for School Districts and Schools

First Completed in June 2000

Last Updated in March 2001

Overview

State policymakers are increasingly focusing their attention on holding school districts and schools accountable for the performance of their students. Two mechanisms for ensuring such accountability are rewards and sanctions. States reward school districts and schools by providing monetary and non-monetary rewards. States also sanction school districts and schools. In fact, there are several types of sanctions in place across the states, ranging from a written warning to a school district or school to a state takeover of a school district or school. Table 1 provides a summary of each state's rewards and sanctions policies for school districts and schools.

TABLE 1

State	Does the State Reward School Districts on the Basis of Performance?	Does the State Reward Schools on the Basis of Performance?	Does the State Sanction School Districts on the Basis of Performance?	Does the State Sanction Schools on the Basis of Performance?
Alabama	No	Yes	Yes	Yes
Alaska	No	No	No	Yes[1]
Arizona	No	No	No	No
Arkansas	No	Yes	Yes	Yes
California	No	Yes	Yes	Yes
Colorado	No	Yes	Yes	Yes

State	Does the State Reward School Districts on the Basis of Performance?	Does the State Reward Schools on the Basis of Performance?	Does the State Sanction School Districts on the Basis of Performance?	Does the State Sanction Schools on the Basis of Performance?
Connecticut	Yes	No	Yes	Yes
Delaware	Yes	Yes	Yes	Yes
Florida	No	Yes	Yes	Yes
Georgia	Yes	Yes	No	Yes
Hawaii	No	No	No	No
Idaho	No	No	No	No
Illinois	No	Yes	Yes	Yes
Indiana	No	Yes	Yes	Yes
Iowa	No	No	Yes	No
Kansas	No	Yes	Yes	Yes
Kentucky	Yes	Yes	Yes	Yes
Louisiana	No	Yes	No	Yes
Maine	No	No	No	No
Maryland	No	Yes	Yes	Yes
Massachusetts	No	No	Yes	Yes
Michigan	No	No	Yes	Yes
Minnesota	No	No	No	No
Mississippi[2]	Yes	No	Yes	No
Missouri	No	No	Yes	Yes
Montana	No	No	No	No
Nebraska	Yes	No	No	No
Nevada	No	Yes	No	Yes
New Hampshire	No	No	No	No
New Jersey	Yes	No	Yes	No
New Mexico	No	Yes	Yes	Yes
New York	No	No	Yes	Yes
North Carolina	No	Yes	Yes	Yes
North Dakota	No	No	No	No
Ohio	No	No	Yes	No
Oklahoma	Yes	Yes	Yes	Yes
Oregon	No	No	No	Yes
Pennsylvania	No	Yes	Yes	No
Rhode Island	No	No	Yes	Yes

State	Does the State Reward School Districts on the Basis of Performance?	Does the State Reward Schools on the Basis of Performance?	Does the State Sanction School Districts on the Basis of Performance?	Does the State Sanction Schools on the Basis of Performance?
South Carolina	No	Yes	Yes	Yes
South Dakota	No	No	No	No
Tennessee	No	No	Yes	Yes
Texas	Yes	Yes	Yes	Yes
Utah	No	No	No	No
Vermont	No	No	No	Yes
Virginia	No	No	No	Yes
Washington	No	No	No	No
West Virginia	No	No	Yes	Yes
Wisconsin	No	No	No	No
Wyoming	No	No	Yes	Yes

In summary:

- 38 states have at least one of the four policies in place.
- 4 states have all four of the policies in place. They are Delaware, Kentucky, Oklahoma and Texas.
- 9 states reward school districts on the basis of performance.
- 20 states reward schools on the basis of performance.
- 30 states sanction school districts on the basis of performance.
- 32 states sanction schools on the basis of performance.

Rewards – School Districts

Table 2 addresses the following questions concerning rewards for school districts based on performance:

1. Are rewards based on absolute performance, improved performance, or both?
2. Does the state use monetary rewards, non-monetary rewards, or both?
3. Can a school district use a monetary reward for bonuses?

TABLE 2

State	1. Basis for Rewards: Absolute Performance, Improved Performance, or Both?	2. Types of Rewards: Monetary Rewards, Non-monetary Rewards, or Both?	3. Bonuses?
Connecticut	Improved performance	Monetary	Yes
Delaware	Both	Non-monetary	N/A
Georgia	Both	Monetary	Yes
Kentucky	Both	Both	Yes
Mississippi	Both	Non-monetary	N/A
Nebraska	Both	Monetary	No
New Jersey	Both	Monetary	Yes
Oklahoma	Both	Non-monetary	N/A
Texas	Absolute performance	Non-monetary	N/A

In summary, nine states reward school districts on the basis of performance. More specifically:

- Seven states base rewards on both absolute and improved performance, one state bases them on improved performance and one state bases them on absolute performance.
- Four states use monetary rewards, four states use non-monetary rewards and one state uses both monetary and non-monetary rewards.
- Of the five states that use monetary rewards, four allow school districts to use rewards for bonuses, and one forbids this practice.

Rewards – Schools

Table 3 addresses the following questions concerning rewards for schools based on performance:

1. Are rewards based on absolute performance, improved performance, or both?
2. Does the state use monetary rewards, non-monetary rewards, or both?
3. Who receives the monetary rewards? School? Individual teachers?
4. Can a school use a monetary reward for bonuses?

TABLE 3

State	1. Basis of Rewards: Absolute Performance, Improved Performance, or Both?	2. Types of Rewards: Monetary Rewards, Non-monetary Rewards, or Both?	3. Recipients: School? Individual Teachers?	4. Bonuses?
Alabama	Both	Monetary	School	No
Arkansas	Both	Both	School	Yes
California	Both	Both	School	Yes
Colorado	Both	Monetary	School	Yes
Delaware	Both	Both	School	Yes
Florida	Both	Both	School	Yes
Georgia	Both	Both	School	Yes
Illinois	Both	Non-monetary	N/A	N/A
Indiana	Improved performance	Both	School	No
Kansas	Both	Non-monetary	N/A	N/A
Kentucky	Both	Both	School	Yes
Louisiana	Both	Both	School	No
Maryland	Improved performance	Monetary	School	No
Nevada	Absolute performance	Non-monetary	N/A	N/A
New Mexico	Improved performance	Monetary	School	No
North Carolina	Improved performance	Monetary	Teachers	Yes
Oklahoma	Both	Non-monetary	N/A	N/A
Pennsylvania	Both	Monetary	School	Yes
South Carolina	Both	Both	School	Yes
Texas	Both	Both	School	Yes

In summary, 20 states reward schools on the basis of performance. More specifically:

- 15 states base rewards on both absolute and improved performance, four states base them on improved performance and one state bases them on absolute performance.
- Six states use monetary rewards, four states use non-monetary rewards and ten states use both monetary and non-monetary rewards.
- Of the 16 states that use monetary rewards, 15 send the reward to schools and 1 sends the money to teachers within a school.
- Of the 16 states that use monetary rewards, 11 allow schools to use rewards for bonuses, and five forbid this practice.

Sanctions – School Districts

Table 4 addresses the following questions concerning sanctions for school districts based on performance:

1. Does the state have to provide a written warning to a low-performing school district?
2. Does the state or another entity have to provide technical assistance to a low-performing school district?
3. Does the state have to provide additional funding to a low-performing school district?
4. Does a low-performing school district have to create and implement an improvement plan?
5. Does another entity, such as the state, have to create an improvement plan for a low-performing school district?
6. Does the state have the authority to place a low-performing school district on probation?
7. Does the state have the authority to remove a low-performing school district's accreditation?
8. Does the state have the authority to withhold funding to a low-performing school district?
9. Does the state have the authority to reorganize a low-performing school district?
10. Does the state have the authority to either take over a low-performing school district or allow another entity, such as a mayor, to take over a low-performing school district?

TABLE 4

State	1.Written Warning?	2.Technical Assistance?	3.More Funding?	4.Plan by School District?	5.Plan by Other Entity?	6.Place on Probation?	7.Removal of Accreditation?	8.Withhold Funding?	9.Reorganize School District?	10.Take Over School District?
Alabama	No	No	No	Yes	Yes	No	No	No	No	Yes
Arkansas	Yes	Yes	No	Yes	Yes	No	No	No	Yes	Yes
California	No	No	No	No	No	No	No	No	No	Yes[3]
Colorado	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Connecticut	No	No	No	No	No	No	No	No	No	Yes[4]
Delaware	No	Yes	No	Yes	Yes	No	Yes	No	No	No
Florida	No	Yes	No	Yes	No	No	No	Yes	No	No
Illinois	No	No	No	Yes	No	No	No	Yes	Yes	Yes[5]
Indiana	No	No	No	No	No	Yes	No	No	No	No
Iowa	No	No	No	Yes	No	No	Yes	No	Yes	Yes
Kansas	No	No	No	No	No	No	No	Yes	Yes	No
Kentucky	No	No	No	No	No	No	No	No	No	Yes
Maryland	No	No	No	No	No	No	No	No	No	Yes[6]
Massachusetts	No	No	No	Yes	No	No	No	No	No	Yes[7]
Michigan	No	No	No	No	No	No	No	No	No	Yes[8]
Mississippi	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Missouri	No	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes

State	1.Written Warning?	2.Technical Assistance?	3.More Funding?	4.Plan by School District?	5.Plan by Other Entity?	6.Place on Probation?	7.Removal of Accreditation?	8.Withhold Funding?	9.Reorganize School District?	10.Take Over School District?
New Jersey	No	Yes	Yes	Yes	Yes	No	No	No	No	Yes
New Mexico	Yes	Yes	No	Yes	No	Yes	Yes	No	No	Yes
New York[9]	No	No	No	No	No	No	No	No	No	Yes[10]
North Carolina	No	Yes	No	No	Yes	No	Yes	No	No	Yes
Ohio	No	No	No	Yes	No	No	No	No	No	Yes[11]
Oklahoma	No	Yes	No	No	Yes	No	Yes	No	Yes	Yes
Pennsylvania	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes
Rhode Island	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
South Carolina	No	Yes	No	No	Yes	Yes	Yes	No	No	Yes
Tennessee	No	No	No	No	Yes	Yes	No	No	No	Yes
Texas	No	No	No	Yes	No	No	No	No	Yes	Yes
West Virginia	Yes	Yes	No	Yes	Yes	No	Yes	No	No	Yes
Wyoming	No	Yes	No	Yes	No	No	Yes	No	No	No

In summary, 30 states sanction school districts on the basis of performance. More specifically:

- 5 states have to provide a written warning to a low-performing school district.
- In 15 states, the state or another entity has to provide technical assistance to a low-performing school district; in several other states, the state or another entity may provide such assistance, but are not required to do so.
- 5 states have to provide additional funding to a low-performing school district; several other states may provide such funding, but are not required to do so.
- In 18 states, a low-performing school district has to create and implement an improvement plan.
- In 13 states, another entity, such as the state, has to create an improvement plan for a low-performing school district.
- 9 states have the authority to place a low-performing school district on probation.
- 12 states have the authority to remove a low-performing school district's accreditation.
- 5 states have the authority to withhold funding to a low-performing school district.
- 10 states have the authority to reorganize a low-performing school district.
- 24 states have the authority to take over a low-performing school district.

Sanctions -- Schools

Table 5 addresses the following questions concerning sanctions for schools based on performance:

1. Does the state have to provide a written warning to a low-performing school?
2. Does the state or another entity have to provide technical assistance to a low-performing school?
3. Does the state have to provide additional funding to a low-performing school?
4. Does a low-performing school have to create and implement an improvement plan?
5. Does another entity, such as the state or a school district, have to create an improvement plan for a low-performing school?
6. Does the state have the authority to place a low-performing school on probation?
7. Does the state have the authority to remove a low-performing school's accreditation?
8. Does the state have the authority to withhold funding to a low-performing school?
9. Does the state have the authority to reconstitute a low-performing school?
10. Does the state have the authority to close a low-performing school?
11. Does the state have the authority to take over a low-performing school?

TABLE 5

State	1.Written Warning?	2.Technical Assistance?	3.More Funding?	4.Plan by School?	5.Plan by Other Entity?	6.Place on Probation?	7.Remove Accreditation?	8.Withhold Funding?	9.Reconstitute School?	10.Close School?	11.Take Over School?
Alabama	No	Yes	No	Yes	Yes	No	No	No	No	No	Yes
Alaska	No	No	No	Yes	No	No	No	No	No	No	No
Arkansas	Yes	Yes	No	Yes	Yes	No	No	No	Yes	Yes	Yes
California	No	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes
Colorado	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes
Connecticut	No	Yes	No	Yes	No	No	No	No	Yes	Yes	No
Delaware	No	Yes	No	Yes	Yes	No	Yes	No	No	No	No
Florida	No	Yes	No	Yes	Yes	No	No	Yes	Yes	No	No
Georgia	No	Yes	No	Yes	Yes	No	No	No	Yes	No	Yes
Illinois[12]	No	No	No	Yes	No	No	No	No	Yes	No	Yes
Indiana	No	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No
Kansas	Yes	No	No	Yes	No	No	Yes	Yes	Yes	No	No
Kentucky	No	Yes	Yes	Yes	No	No	No	No	No	No	No
Louisiana	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No
Maryland	No	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Massachusetts	No	No	No	Yes	Yes	Yes	No	No	Yes	No	No
Michigan	No	Yes	No	No	No	No	Yes	No	No	Yes	No

State	1.Written Warning?	2.Technical Assistance?	3.More Funding?	4.Plan by School?	5.Plan by Other Entity?	6.Place on Probation?	7.Remove Accreditation?	8.Withhold Funding?	9.Reconstitute School?	10.Close School?	11.Take Over School?
Missouri	No	No	Yes	No	Yes	Yes	No	No	Yes	No	No
Nevada	Yes	No	No	Yes	Yes	Yes	No	No	No	No	Yes
New Mexico	Yes	Yes	No	Yes	No	Yes	Yes	No	No	No	Yes
New York[13]	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No
North Carolina	No	Yes	No	No	Yes	No	No	No	Yes	No	Yes
Oklahoma	No	Yes	No	No	No	No	Yes	No	Yes	Yes	Yes
Oregon	No	Yes	No	Yes	No	No	No	No	No	No	No
Rhode Island	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
South Carolina	No	Yes	Yes	Yes	Yes	No	No	No	Yes	No	Yes
Tennessee	No	No	No	No	Yes	Yes	No	No	No	No	No
Texas	No	No	No	Yes	No	No	No	No	Yes	Yes	Yes
Vermont	No	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes
Virginia	No	Yes	No	Yes	No	No	Yes	No	No	No	No
West Virginia	No	Yes	No	Yes	Yes	No	Yes	No	No	No	No
Wyoming	No	Yes	No	Yes	No	No	Yes	No	No	No	No

In summary, 32 states sanction schools on the basis of performance. More specifically:

- 5 states have to provide a written warning to a low-performing school.
- In 24 states, the state or another entity has to provide technical assistance to a low-performing school; in several other states, the state or another entity may provide such assistance, but are not required to do so.
- 7 states have to provide additional funding to a low-performing school; several other states may provide such funding, but are not required to do so.
- In 27 states, a low-performing school has to create and implement an improvement plan.
- In 18 states, another entity, such as the state or a school district, has to create an improvement plan for a low-performing school.
- 11 states have the authority to place a low-performing school on probation.
- 13 states have the authority to remove a low-performing school's accreditation.
- 4 states have the authority to withhold funding to a low-performing school.
- 19 states have the authority to reconstitute a low-performing school.
- 10 states have the authority to close a low-performing school.
- 15 states have the authority to take over a low-performing school.

NOTES

1. Alaska will begin sanctioning schools on the basis of performance in August 2002.
2. Mississippi is in the process of substantially revising its accountability system, and is moving toward a system of rewards and sanctions for schools based on performance on criterion-referenced assessments.
3. In 1993, the state took over the Compton Unified School District due to financial problems within the school district. In 1993, the state legislature passed Chapter 455, Statutes of 1993, which required the takeover to also address inadequate student performance within the school district.
4. In 1997, Connecticut passed Special Act 97-4, which allowed the state to take over the Hartford School District.
5. In 1995, Illinois enacted legislation that allowed the mayor to take over the Chicago Public Schools.
6. In 1997, Maryland passed Senate Bill 795, which created a partnership between the state and the city of Baltimore to run the Baltimore City Public Schools.
7. In 1989, Massachusetts enacted a law that allowed the Chelsea Public Schools to enter into a long-term management contract with Boston University. In 1991, Massachusetts enacted a law that abolished the elected Boston School Committee and gave the mayor of Boston the right to appoint school committee members. In 1996, the citizens of Boston voted to maintain the mayoral-appointed school committee.
8. In 1999, Michigan enacted Senate Bill 297, which removed the Detroit Public Schools' locally elected school board and gave the mayor of Detroit the authority to appoint six of seven members on a new school board, with the seventh member appointed by the governor.
9. New York has enacted legislation that allows the chancellor of the New York City Public Schools to sanction the 32 community districts in school district on the basis of performance. The chancellor may require that a low-performing community district create and implement an improvement plan and may create an improvement plan for a low-performing community district. He or she also has the authority to take over a low-performing community district.
10. In 1995, New York passed Assembly Bill 8330, which authorized a state takeover of the Roosevelt Union Free School District. In 1996, the New York Board of Regents voted to approve a state takeover of the Roosevelt Union Free School District.
11. In 1995, a U.S. federal court charged the state with running the Cleveland Public Schools through a state-appointed superintendent. In 1997, the state legislature shifted control of the Cleveland Public Schools to the mayor and charged him with appointing the school board and the school district's chief executive officer.
12. Illinois has enacted legislation that allows the Chicago Public Schools to sanction its low-performing schools. The school district provides technical assistance to its low-performing schools, requires low-performing schools to create and implement an improvement plan and requires another entity, such as the school district, to create an improvement plan for low-performing schools. In addition, the school district has the authority to place a low-performing school on probation, reconstitute a low-performing school and close a low-performing school.
13. New York has enacted legislation that allows the chancellor of the New York City Public Schools to sanction schools in the school district on the basis of performance. The chancellor may require that a low-performing school create and implement an improvement plan, may create an improvement plan for a low-performing school and has the authority to take over a low-performing school.

LEGAL CITATIONS

The information within this clearinghouse note was gathered from reviewing state statutes, administrative codes, senate bills, house bills and public acts as well as interviewing officials in state departments of education and legislatures throughout the country. Table 6 presents the relevant legal citations for each state.

TABLE 6

State	Statute	Administrative Code
Alabama	Ala. Code § 16-6B-3	-
Alaska	Alaska Stat. § 14.03.123	-
Arkansas	Ark. Stat. Ann. § 6-15-401 – § 6-15-404, § 6-15-406 – § 6-15-407, § 6-15-414 – § 6-15-415, § 6-15-419 – § 6-15-422	Arkansas Rules and Regulations: 020.1 – 020.3, 020.3.02, 020.4 -- 020.19
California	Cal. Ed. Code § 52050, § 52050.5, § 52051, § 52051.5, § 52052, § 52052.5, § 52053, § 52053.5, § 52054, § 52054.5, § 52055, § 52055.5, § 52056, § 52056.5, § 52057, § 52058 Chapter 455, Statutes of 1993 (1993 Regular Session)	-
Colorado	Colo. Rev. Stat. § 22-30-105, § 22-30-107.5, § 22-30-111, § 22-30-114, § 22-11-117 Senate Bill 186 (2000 Regular Session)	-
Connecticut	Conn. Gen. Stat. § 10-4b, § 10-2621 Public Act 99-288 (1999 Regular Session) Special Act 97-4 (1997 Regular Session)	-
Delaware	14 Del. C. § 151 – § 158	-
Florida	Fla. Stat. § 229.0535, § 229.0537, § 229.57, § 230.23, § 231.2905, § 236.1228	-
Georgia	O.C.G.A. § 20-2-253 House Bill 1187 (2000 Regular Session)	-
Illinois	105 ILCS 5/2-3.25c, 5/2-3.25d, 5/2-3.25f, 5/2-3.25k, 5/34-1, 5/34-8.3, 5/34-8.4	23 IAC § 1.80, § 1.90
Indiana	Burns Ind. Code Ann. § 20-1-1.2-1 – § 20-1-1.2-18, § 20-1-1.3-3	511 IAC § 6.1-8-1 – § 6.1-8-5
Iowa	Iowa Code 256.11	-
Kansas	K.S.A. § 72-6439	K.A.R. § 91-31-16, § 91-31-18, § 91-31-24, § 91-31-25 -- § 91-31-30
Kentucky	KRS § 158.6455	703 KAR § 3:205, 5:010, 5:020, 5:040 – 5:070, 5:130
Louisiana	La. R.S. 17:10, 17:10.1 – 17:10.4	-
Maryland	Md. Education Code Ann. § 5-208, § 7-203 Senate Bill 795 (1997 Regular Session)	Md. Regs. Code 13A § 01-01-01 -- § 01-04-08
Massachusetts	Mass. Ann. Laws ch. 69, § 1J - § 1K Chapter 133 of the Acts of 1989 (1989 Regular Session) Chapter 108 of the Acts of 1991 (1991 Regular Session)	603 CMR § 2.01 – § 2.04
Michigan	MCL § 380.1280 Senate Bill 297 (1999 Regular Session)	-
Mississippi	Miss. Code Ann. § 37-17-6, § 37-17-13	CMSR § 36-000-069
Missouri	Mo. Rev. Stat. § 160.538, § 162.081	5 CSR § 30-340.010, § 30-345.010
Nebraska	R.R.S. Neb. § 79-758, § 79-703	-
Nevada	Nev. Rev. Stat. Ann. § 385.347, § 385.351, § 385.356, § 385.359, § 385.363, § 385.365, § 385.367, § 385.369,	-

State	Statute	Administrative Code
	§ 385.371, § 385.373, § 385.375, § 385.378, § 385.381, § 385.383, § 385.386, § 385.389, § 385.391	
New Jersey	N.J. Stat. § 18A: 7A-14, § 18A:7F-29	-
New Mexico	N.M. Stat. Ann. § 22-1-6, § 22-2-14, § 22-2-15, § 22-13A-1 – § 22-13A-6	6 NMAC § 3.2.9
New York	N.Y. Educ. Law § 2590-h Assembly Bill 8330 (1995 Regular Session]	8 NYCRR § 100.2
North Carolina	N.C. Gen. Stat. § 115C-105.36 – § 115C-105.39, § 115C-12	-
Ohio	Ohio Rev. Code Ann. § 3302.01 – § 3302.08 House Bill 269 (1998 Regular Session)	-
Oklahoma	70 Okl. St. § 3-104.3, § 3-104.4, § 1210.541	-
Oregon	O.R.S. § 326.310 Senate Bill 1329 (1999 Regular Session)	OAR § 581-022-1060
Pennsylvania	24 P.S. § 25-2595 Act 46 of 1998 (1998 Regular Session) Senate Bill 652 (2000 Regular Session)	-
Rhode Island	R.I. Gen. Laws § 16-1-5, § 16-1-8, § 16-1-11, § 16-5-30, § 16-7.1-5, § 16-7.1-16, § 16-7-31, § 16-10-10, § 16-60-4, § 16-60-6, § 16-60-9, § 45-13-1.1	-
South Carolina	S.C. Code Ann. § 59-18-700, § 59-18-710, § 59-18-1100 – § 59-18-1120, § 59-18-1500 – § 59-18-1590	S.C. Code Regs. § 43-300 – § 43-301
Tennessee	Tenn. Code Ann. § 49-1-601 – 49-1-602	-
Texas	Tex. Educ. Code § 39.071 – § 39.076, § 39.091 – § 39.096, § 39.111 – § 39.112, § 39.131	-
Vermont	16 V.S.A. § 165	CVR § 22-000-003
Virginia	Va. Code Ann. § 22.1-19, § 22.1-253.13	8 VAC § 20-131-10 – § 20-131-340
West Virginia	W. Va. Code § 18-2E-5	W. Va. Code State R. 126 § 13-1 – § 13-12
Wyoming	Wyo. Stat. § 21-2-304	WCWR 005-000-006 § 1 – 15

This StateNote was compiled by Todd Ziebarth, policy analyst, ECS.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303-296-8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

Accountability

Education Commission of the States 700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

State Performance Indicators

January 2002

States measure student achievement as well as school performance through a variety of indicators. The following indicators were gathered from statute, regulation and state department of education documents. They are either measures of gains in student achievement or elements perceived to influence those gains. The indicators have two primary functions. The first is to provide the type of underlying data to better inform the public about its schools. We are labeling this "information only" level as secondary indicators – represented by "S." The more important function of indicators, however, is to determine whether a district or school qualifies for a reward or if the state needs to intervene in some way to help improve performance. We refer to these criteria as "primary indicators" – represented by "P."

The four main categories of indicators used for the charts below relate to (1) students, including assessment scores, demographics (ethnicity, socioeconomic status), dropout rate and truancy; (2) professional staff, including staff attendance, experience, and salary levels; (3) program information such as curriculum, climate and parent involvement; and (4) expenditures and the use of resources. Although indicators in the last three categories are not immediate indicators of gains in student achievement, they are perceived by educators, legislators and researchers as having a relationship to student achievement.

Achievement as a Primary Indicator

- Thirty-two states use achievement as a primary indicator.
- Twenty-one states use improvement in student achievement as a primary indicator.
- Twelve states use nothing except achievement and improvement in achievement as primary indicators (Alabama, Colorado, Delaware, Florida, Georgia, Massachusetts, Michigan, Mississippi, Nevada, New Mexico, North Carolina, Virginia).
- All but two states report on achievement to the public.

Use of Primary Indicators

Normally, only a limited number of indicators act as triggers to rewards or interventions within schools. Following is a summary of those areas:

- Student achievement/assessment scores – 32 states
- Improvement in achievement/assessment scores – 21 states
- Attendance – 17 states
- Dropout rate – 13
- Graduation rate – 8 states
- Student behavior (includes discipline/safety, expulsion, suspension) – 6 states

- Transition (education or employment after high school graduation) – 4 states (one is in an "other" category)
- Expenditures and use of resources – 3 states

Caution: Although we made every effort to accurately reflect state policies, synthesizing policy language into common categories is difficult and interpretations can vary. Please let us know if information for your state is stated incorrectly.

Table 1: Alabama – Kentucky

P = evaluative indicators that trigger rewards and/or sanctions
S = informative indicators for reporting or additional indicators for gauging performance

Indicators:	AL	AK[1]	AZ	AR	CA	CO	CT	DE	FL	GA	HI	ID	IL	IN	IA	KS	KY
Student:																	
Assessment scores/achievement	P	S	P	S	P	P	S	P	P	P	S	S	P	P	S	P	P
ACT and/or SAT scores				S		P	S	S		P		S	S	P			
Adv Placement (AP) courses: access																	
AP courses: scores														P		P	
Attendance rate/truancy	S	S	S	S	P	S		S	S	S	S	S	P	P		P	P
Class size					S			S					S	P			
Demographics/Socioeconomic data	S			S	S		S	S	S	S	S	S	S	P[2]		S	
Discipline/safety	S		S	S	S	S			S		S	S		P		P	S
Dropout rate	S	S		S	S	S	S	S	S	S		S	S			P	P
English language learners/ special needs					S		S		S	S	S		S	S		S	
Enrollment	S	S	S	S		S	S	S			S	S		S		S	S
Expulsion rate				S	S				S					P			S
Graduation rate/completion rate	S	S	S	S	P	S		S	S	S	S		P	P	S	P	
Mobility		S	S		S		S				S		S	P			
Promotion/retention rate (Advancement)		S	S						S	S							P
Student/administrator ratio								S						S			
Student/teacher ratio								S	S	S	S	S	S	S			S
Suspension rate					S				S		S			P			
Transition to postsecondary education	S						S		S					P	S		P
Student/School Improvement in Academic Performance	P	S	P		P	P	S	P	P	P				P	S	P	P
Other*:			S	S	S	S			S	S		S	S	P	S	P	P
Professional Staff:																	
Attendance					P	S								S			
Diversity									S				S				
Evaluation					S							S[3]					
Experience			S			S	S			S	S		S				S
Leadership					S												
Preparation/Certification	S		S	S			S			S				P			S
Salary levels				S		S	S		S			S	S	S			
Professional/staff development					S	S								P			S
Working in area of certification					S	S											S
Program:																	
Curriculum			S														
Learning climate					S												
Mission and/or goals statement			S					S			S	S					
Parental and/or community involvement		S	S										S	P			S
Parental satisfaction/opinion		S	P								S						
Expenditures & Use of Resources	P		S	S	S	S	S	S		S	S	S	S	P			S

1. Alaska will set its primary indicators by summer 2002.
2. Indiana: Breakout of programs, i.e., vocational education, special education, gifted and talented, remedial education.
3. Idaho: Explanation of teacher evaluations must be reported.

Table 2: Louisiana – North Dakota

P = evaluative indicators that trigger rewards and/or sanctions
S = informative indicators for reporting or additional indicators for gauging performance

Indicators:	LA	ME	MD[1]	MA	MI	MN	MS	MO	MT	NE[2]	NV	NH	NJ	NM	NY	NC	ND
Student:																	
Assessment scores/ achievement	P	S	P	P	P	S	P	P		P	P	S	P	P	P	P	S
ACT and/or SAT scores	S						S	P		P			S				S
AP courses: access	S						S						S				
AP courses: scores																	
Attendance rate/ truancy	P		P	S			P	P			P	S	S	S			S
Class size	S												S				
Demographics/socio-economic data	S	S		S	S	S	S	S				S	S	S	S	S	S
Discipline/safety	S										S	S	P	S			
Dropout rate	P		P	S	S		S	P		P	S	S	S	S	P	S	
English language learners, special needs		S	S	S		S	S	S					S	S	S	S	S
Enrollment		S	S	S	S			S					S	S	S	S	S
Expulsion rate	S			S							S						
Graduation/completion rate	S	S			S		S	S					S		S		S
Mobility			S								S			S			
Promotion/retention rate											S					S	
Student/administrator ratio								P									
Student/teacher ratio					S		S	P			S		S				S
Suspension rate	S										S						
Transition to post-secondary education		S		S				P				S	S		S	S	S
Student/School Improvement in Academic Performance	P		S	P	P	S				P						P	
Other*:												S	S	S	S	S	S
Professional Staff:																	
Attendance											S		S				
Diversity																S	
Evaluation					S										S		
Experience	S					S		S									S
Leadership																	
Preparation/certification	P	S				S	S	S		P					S		S
Salary levels		S		S	S	S		S									S
Professional/staff development										P	S				S		S
Working in area of certification											S						
Program:																	
Curriculum					S						S						S
Learning climate												S					
Mission and/or goals statement																	
Parental and/or community involvement					S						S		S	S			
Parental satisfaction/																	

Indicators:	LA	ME	MD[1]	MA	MI	MN	MS	MO	MT	NE[2]	NV	NH	NJ	NM	NY	NC	ND
opinion																	
Expenditures & Use of Resources	S	S		S	S	S	S	P			S		S		S	S	S

1. Maryland: In law, national standardized testing may not be the only measure for evaluating of education accountability.
2. Nebraska: Indicators for second increment of awards; after seven years of receiving awards use extra certification endorsement, advanced degrees; mentors, dropout rates, access to high-level and gifted/talented courses; meeting special poverty factors with good performance.

Table 3: Ohio – Wyoming

P = evaluative indicators that trigger rewards and/or sanctions
S = informative indicators for reporting or additional indicators for gauging performance

Indicators:	OH	OK	OR	PA	RI	SC[1]	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY
Student:																
Assessment scores/achievement	P	P	P	P	S	P		P	P	S	S	P	S	P	S	S
ACT and/or SAT scores		P		S	S			P	S	S	S					
AP courses: access		P										S			S	
AP courses: scores									S	S	S			S	S	
Attendance rate/truancy	P	P	P	P	S	P		P	P	S	S	S	S	S	S	S
Class size										S	S		S	S		
Demographics/socioeconomic data	S		S		S			S		S	S		S		S	S
Discipline/safety	S									S		S				
Dropout rate	S	P	P			P		P	P	S	S	S	S	P	S	S
English language learners, special needs			S		S	S		S	S	S					S	
Enrollment	S	S						S		S	S		S	S		
Expulsion rate	S							S					S		S	
Graduation/completion rate	P	P	S	P		P			S				S	S	S	S
Mobility										S						
Promotion/retention rate	S							P			S		S		S	
Student/administrator ratio														S		
Student/teacher ratio	S	S				P*			S	S	S			S		
Suspension rate	S	P			S			S					S		S	
Transition to postsecondary education									S		S			S	S	
Student/School Improvement in Academic Performance		P				P		P	P		S	P		P		S
Other*:		P	P	P					P							S
Professional Staff:																
Attendance		P			S	S										
Diversity																
Evaluation																
Experience				S						S				S		S
Leadership																
Preparation/certification										S		S		S		
Salary levels								S			S					
Professional/staff development						S					S					
Working in area of certification			P					S	S			S				
Program:																
Curriculum																
Learning climate																
Mission and/or goals statement					S							S	S			
Parental and/or community involvement					S	P*				S				S	S	
Parental satisfaction/opinion														S		
Expenditures & Use of Resources	S	S	S	S				S	S	S	S	S	S	S	S	S

1. SC: proposed indicators – state board is to finalize; for P*, necessary for accreditation of grades two and below.

***Other – Secondary indicators (S) unless marked otherwise**

Access to technology – Indiana, Nevada, Kentucky, Massachusetts, Vermont
ACT/SAT – percent taking exams – Nebraska (requires 60%)
Alternative classes or programs for expelled students – Nebraska (P), Georgia
Attainment of state achievement goals – Iowa
Availability of substitutes – California
Average time between intervention and achieving grade level – Georgia (P)

Career/technical certified to industry standards within five years – Alabama
Challenge index for specified populations – Nebraska
Choice/open enrollment/charters – Delaware, Arizona, Massachusetts, Michigan, Oregon (P)
Classroom aides – Minnesota
College readiness – Florida
Core coursework (high school) – Texas (P)
Council duties – Arizona

Extracurricular activities offered – Missouri, Wisconsin
Facilities – Missouri, California
Gifted-talented available – Nebraska
Graduation requirements – Wisconsin
Health barriers to learning (physical, mental) – Kentucky (P)
Level of diplomas received – Florida, Georgia, Indiana, Nevada
Locally developed indicators and assessment measures – New Hampshire

Mastery of algebraic concepts – Kentucky (P)
Mentors for teachers – Nebraska
Number of special education students by disability – Wyoming
Percent English language learners – New Jersey, New Mexico
Percent enrolled in International Baccalaureate programs – Virginia
Percent meeting course requirements/high school – Georgia (P)
Percent of participation/opportunity of students in lowest quartile -- Mississippi
Percent taking or exempt from assessments – California (P), Louisiana, Michigan, New York, Nevada (P), Oregon (P), Rhode Island, Texas (LEP exemptions), Virginia
Parent level of education – California
Percent taking alternative assessments – Georgia (P), New York, Virginia
Percent enrolled in alternative programs not leading to diploma – Virginia
Percent of school-aged children attending public schools – Massachusetts
Percent passing Presidential Fitness Test – West Virginia

Quality of assessments – Nebraska (P)
Quality and currency of texts and materials – California, Idaho
Reduction of class size/teaching load – California
Remedial courses in high school and college – Arkansas, Nebraska (P), Nevada (P)
Report on selection and completion of education pathways – Indiana, Mississippi, Nevada, North Carolina, Vermont and Virginia
Social services – Arizona
School calendar – Arizona, California, Colorado, Connecticut, Missouri
Special awards – Idaho
Split-grade classrooms – West Virginia
Standards adopted – Nebraska (P)

Student employment (percent juniors/seniors working more than 16 hours per week) – Connecticut
Student grades – Mississippi
Student support services and counseling – California, Colorado, Idaho
Students per total staff – Colorado
Substitute teacher qualifications – Idaho
Survey return rates – Alaska

Teachers with license variances
Teacher, other staff turnover – Colorado, New York
Teachers with tenure and without tenure – Colorado
Time spent on curriculum – Illinois
Transition to employment or military – Connecticut, Iowa, California, Kentucky (P), Massachusetts, North Carolina, North Dakota, Pennsylvania and Vermont
Transportation – Arizona
Upper- and lower-level course enrollment/completion – Florida, Kansas, Indiana (P), Virginia

This *StateNote* was compiled by Kathy Christie, vice president for knowledge management and ECS Clearinghouse, and Judith Mathers, a former policy analyst with the Education Commission of the States.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303-296-8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

Assessment

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

State Assessment Programs in Grades and Subjects Required Under ESEA

Compiled by Kirstin Craciun, ECS Researcher

March 2002

Overview

This ECS *StateNote* examines which states annually assess students in the subjects and grades required under the reauthorized Elementary and Secondary Education Act (ESEA). Under the new law, states must begin testing students annually in reading and mathematics for grades 3-8 by the 2005-06 school year. By the 2007-08 school year, science assessments must be administered once to students in grades 3-5, once in grades 6-9 and once in grades 10-12. A summary of current state assessments in reading, mathematics and science is provided in this ECS *StateNote*.

Summary

- Seventeen states and the District of Columbia have annual reading tests in grades 3-8.
- Fifteen states and the District of Columbia have annual math tests in grades 3-8.
- Twenty-four states have annual science tests in one grade in each of these grade spans: 3-5, 6-9 and 10-12.
- Seven states, (Alabama, Delaware, Georgia, Louisiana, New Mexico, Tennessee and West Virginia) currently meet the reading, math and science assessment requirements of the new ESEA.

STATE	Reading Tests Grades 3-8 As of Spring 2002	Mathematics Tests Grades 3-8 As of Spring 2002	Science Tests Grades 3-5, 6-9, 10-12 As of Spring 2002
Alabama	3-8	3-8	3-8 plus part of high school exit exam
Alaska	3-8	3-8	None
Arizona	3-8	3-8	None
Arkansas	4-8	4-8	5, 7, 10
California	3-8	3-8	9-11
Colorado	3-8	5-8	8
Connecticut	4, 6, 8	4, 6, 8	10
Delaware	3-8	3-8	4, 6, 8, 11
District of Columbia	3-8	3-8	None
Florida	3-8	3-8	Field testing expected 2002-03 in grades 5, 8, 10
Georgia	3-8	3-8	3-8 plus part of high school exit exam
Hawaii	3, 5, 8	3, 5, 8	None
Idaho	Currently just grade 3. Pilot standards-based test in at least three grades 2002-03.	Currently grades 4 and 8. Pilot standards-based test in at least three grades 2002-03.	None

STATE	Reading Tests Grades 3-8 As of Spring 2002	Mathematics Tests Grades 3-8 As of Spring 2002	Science Tests Grades 3-5, 6-9, 10-12 As of Spring 2002
Illinois	3, 5, 8	3, 5, 8	4, 7, 11
Indiana	3, 6, 8 in English/language arts	3, 6, 8	Grade 5 implementation planned for 2002-03, followed by grades 7 and 9
Iowa	Not mandated, but districts may administer tests in grades 3-8	Not mandated, but districts may administer tests in grades 3-8	None
Kansas	3, 7	4, 7	5, 8, 10
Kentucky	3, 4, 6, 7	3, 5, 6, 8	4, 7, 11
Louisiana	3, 5, 6, 7 4, 8 in English/language arts	3-8	3-8, 11
Maine	4, 8 in English/language arts	4, 8	4, 8, 11
Maryland	3, 4, 5, 6, 8	3, 4, 5, 6, 8	3, 5, 8 and high school assessment, which 9th grade students are required to take in 2001-02 (currently in pretests)
Massachusetts	3, 4, 7 in English/language arts	4, 6, 8	5, 8, 9, 10
Michigan	4, 7	4, 8	5, 8, 11
Minnesota	3, 5, 8	3, 5, 8	None
Mississippi	3-8	3-8	When end-of-course tests are fully implemented, one will cover biology.
Missouri	3, 7 in communication arts	4, 8	3, 7, 10
Montana	4, 8	4, 8	4, 8, 11
Nebraska	None. Districts use local assessments and are required to use a norm-referenced test in one grade of 4-6, 7-9 and 10-12.	None. Districts use local assessments and are required to use a norm-referenced test in one grade of 4-6, 7-9 and 10-12.	None
Nevada	4, 8 and English criterion-referenced test (CRT) in grades 3 and 5. A grade 8 CRT in reading, math and science is in development. In 2002-03, the 8th grade Terra Nova reading, math, science and exam will be administered in 7th grade.	3, 4, 5, 8	4, 8, 10; a science criterion-referenced test will be piloted over the next two years in grades 3 and 5.
New Hampshire	3, 6 in English/language arts	3, 6	6, 10
New Jersey	4, 5, 8 in language arts literacy	4, 5, 8	4, 5, 8 and part of the high school test to be implemented in 2002-03
New Mexico	3-8	3-8	3-9, 10
New York	4, 8 in English/language arts	4, 8	4, 8 and regents exams for high school
North Carolina	3-8	3-8	End-of-course tests
North Dakota	4, 8	4, 8	None
Ohio	4, 6	4, 6	4, 6, 9
Oklahoma	3, 5, 8	3, 5, 8	5, 8 and, in 2002-03, end-of-course tests
Oregon	3, 5, 8 in reading/literature	3, 5, 8	5, 8, 10
Pennsylvania	5, 8	5, 8	None
Rhode Island	4, 8	4, 8	None
South Carolina	3-8	3-8	3-8 plus part of the high school exit exam to be implemented in 2003-04 in grade 10
South Dakota	3, 4, 6, 8	3, 4, 6, 8	4, 8, 11 3, 6 beginning in 2003-04
Tennessee	3-8	3-8	3-8 and end-of-course exams
Texas	3-8	3-8	8 and end-of-course tests

STATE	Reading Tests Grades 3-8 As of Spring 2002	Mathematics Tests Grades 3-8 As of Spring 2002	Science Tests Grades 3-5, 6-9, 10-12 As of Spring 2002
Utah	3-8	3, 5, 8 Core Assessment Program tests under development for grades 3-8.	3, 5, 8, 11
Vermont	4, 8 in English/language arts	4, 8	5, 11 9th grade science assessment on hold
Virginia	4, 5, 6, 8 and 3rd-grade English	3, 4, 5, 6, 8	3, 5, 8 and high school tests
Washington	3, 4, 6, 7	3, 4, 6, 7	5th grade assessment required 2004-05; 8th and 10th grade assessments required 2003-04
West Virginia	3-8	3-8	3-11
Wisconsin	3, 4, 8	4, 8	4, 8, 10
Wyoming	4, 8	4, 8	None

The following resources were used to compile this information:

- *State Assessment and Accountability Systems: 50 State Profiles*, Consortium for Policy Research in Education, Spring 2000
- Interviews with state department of education officials
- State department of education Web sites
- State statutes and administrative codes concerning state assessments
- "An ESEA Primer," *Education Week*, January 9, 2002

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

At Risk

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Funding Systems of At-risk Programs in Randomly Selected States

January 2002

The following tables describe the funding systems of at-risk programs in 19 randomly selected states. The data indicate if a state includes funding for at-risk programs in the state's foundation formula and how students are identified. The second table lists the various programs in these states, the level of funding and how students are deemed eligible.

At-Risk Student Funding Systems in Selected States

State Categorical Aid

State	Program Name	Categorical Funding Level (00-01)	Identification for Categorical Funding
California	Economic Impact Aid	$426,928,000	Children age 5-17 receiving AFDC and LEP Students
Florida	Supplemental Academic Instruction	$662,632,143	Funds for projects targeted to "help students gain at least a year of knowledge for each year in school"
Georgia	Special Instructional Assistance Program	This program was discontinued	K-3 students likely to have problems in maintaining grade-level performance.
Georgia	Remedial Education Program	$71,447,992	Students in grades 2-5 and 9-12 who are deficient in reading, math or writing
Indiana	Early Intervention Program	$3,990,000	Provides grants to school districts to fund reading programs for students who are at risk of not learning to read.

State	Program Name	Categorical Funding Level (00-01)	Identification for Categorical Funding
Massachusetts	Essential Skills Grants	$0 (See Note)	Students from families on AFDC
Massachusetts	Academic Support Grants	$18,930,700	Students with low test scores
Michigan	At-Risk Pupils	$304,000,000	Students receiving free/reduced lunch
Missouri	Children At-Risk in Education	$333,000,000	Students receiving free/reduced lunch
Missouri	Remedial Reading	$11,096,925	Students with low test scores
New York	Extraordinary Needs Aid	$677,700,000	Students receiving free/reduced lunch or students with low test scores (grades 3 and 6)
New York	Educationally Related Support Services Aid	$70,900,000	Students are referred for services by school building administrator.
New York	Aid for Summer School Programs	$35,100,000	The program must provide help to students in required academic subjects or on the Regents exam.
New York	Attendance Improvement/ Dropout Prevention	$55,500,000	Districts with attendance in the bottom decile for the state.
New York	Compensatory Education	$262,500,000	Districts that are in the top quartile of need, based on state testing.
North Carolina	At-Risk Student Services	$186,313,299	Students in treatment, poverty and ADM
North Carolina	Improving Student Account.	$39,015,255	Students with low test scores (grades 3-8)
North Dakota	None	NA	NA
Ohio	Disadvantaged Pupil Impact Aid	$305,367,571	Students with families enrolled in the "Ohio Works First" (the state's welfare program)
Oregon	None	NA	NA
Pennsylvania	None	NA	NA
South Dakota	None	NA	NA
Tennessee	None	NA	NA
Texas	Compensatory and Accelerated Instruction	$9,600,000	Low academic achievement, pregnant/parent, LEP and abused.
Washington	Learning Assistance Program	$62,276,834	Students with low test scores (grades 4 and 8 based on a five-year average)

At-Risk Student Funding Systems in Selected States

State Foundation Formulas

State	At-Risk Funding in the Foundation Formula	Identification for Foundation Formulas	Distribution for Base Funding
California	None	NA	NA

State	At-Risk Funding in the Foundation Formula	Identification for Foundation Formulas	Distribution for Base Funding
Florida	None	NA	NA
Georgia	Yes	Students in remedial education programs	Identified students are provided with an extra .2918 weight.
Illinois	Yes	Percent of students in poverty living in the district.	Per-student funding ranges from $800 to $2,050 based on the percentage of students living in poverty.
Indiana	Yes	Families with children below poverty level, single-parent families and adults who are high school drop-outs	Funded at $3,522 per student (for full formula see below).
Massachusetts	Yes	Per-student based on free and reduced lunch	Additional per-student funding of $2,228-elementary, $1,794-high school
Michigan	None	NA	NA
Missouri	Yes	Per-student based on free and reduced lunch	$655 per identified student
New York	Yes	Percentage of students below minimum competency on 3rd and 6th grade test.	Identified students are provided with an extra .25 weight.
North Carolina	None	NA	NA
North Dakota	None	NA	NA
Ohio	None	NA	NA
Oregon	Yes	Pregnant and parenting, students in poverty, neglected and delinquent and students in foster homes all receive additional weights.	Additional weights: P&P (1.00), S in P (.25), N&D (.25) and S in FH (.25) max weight 2.0
Pennsylvania	Yes	If more than 10% of students age 5-17 are on AFDC	$50 per AFDC student
South Dakota	None	NA	NA
Tennessee	None	NA	NA
Texas	None	NA	NA
Washington	None	NA	NA

Prepared by Michael Griffith, ECS policy analyst.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

Habitual Truancy
Examples of State Definitions

August 2001

For the most part, compulsory attendance laws do not specify the number of times a student must be truant before sanctions (also part of the compulsory attendance laws) are enforced. A number of states require districts to set attendance policies and sometimes ask that districts identify the number of absences that constitute "truant" or "habitual truant" in those policies. Others, as reflected below, set the standard for truancy at the state level. The following states do not constitute a comprehensive listing, but do provide some examples of policy for others to consider:

Colorado	Four unexcused absences in any one month or 10 unexcused in any year. COLO.REV.STAT. § 22-33-107
Florida	Fifteen days within 90 calendar days. FLA.STAT.ANN. § 228.041(28)
Kentucky	Any child who has been absent from school without valid excuse for three or more days, or tardy without valid excuse on three or more days, is a truant. Any child who has been reported as a truant three (3) or more times is an habitual truant. Being absent for less than half of a school day shall be regarded as being tardy. KY.REV.STAT.ANN. § 159.150
Louisiana	A student shall be considered habitually absent or habitually tardy (1) after all reasonable efforts by the principal and the teacher have failed to correct the condition after the fifth unexcused absence or fifth unexcused tardy within any month or (2) if a pattern of five absences a month is established. LA.REV.STAT.ANN. § 17:233
Maine	A student is considered habitually truant if he/she has attained the equivalent of 10 full days of nonexcused absences or seven consecutive school days of nonexcused absences during a school year. ME.REV.STAT.ANN. tit. 20 § 5051
Montana	Recorded absences of 10 days or more of unexcused absences in a semester or absences without prior written approval of parent or guardian. MONT.CODE ANN. § 20-5-103
Nevada	Any child who has been declared a truant three or more times within one school year must be declared a habitual truant. (A pupil who has one or more unapproved absences from school is considered truant.) NEV.REV.STAT. Ann. § 392.140
Wyoming	Any child with five or more unexcused absences in any one school year. WYO.STAT.ANN. § 21-4-101

Related Note: For compulsory school ages, see *ECS StateNote* "Compulsory School Age Requirements" at http://www.ecs.org/clearinghouse/14/06/1406.doc

Examples of habitual truancy language were compiled by Kathy Christie, vice president for knowledge management & ECS Clearinghouse.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

StateNotes

A Survey of State ESL Funding Systems

Education Commission of the States

Education Commission of the States 700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

ECS randomly selected 10 states to assess the various approaches to funding English as a Second Language program. The following information describes programs in seven states: California, Florida, Maryland, Michigan, New Jersey, New York and Texas. As of FY 2001-02, Delaware, Ohio and West Virginia did not provide funding for bilingual programs in their state budgets. Additional information on bilingual education and ESL can be found on the ECS Bilingual/ESL Issue Site, under Education Issues.

California

Program Name	English Language Acquisition Program
Type of Funding	Categorical
Total Funding	$53.2 million in FY 2001-02
Funding Per Student	$100 per identified student
How Students Are Identified	Funds are distributed to districts for all English learners in grades 4-8. When funding requests exceed available funds, the law stipulates that priority be given to schools with the highest proportion of English learners. Districts may also receive a one-time allocation of $100 per pupil for pupils in kindergarten through grade 12, who are reclassified as fluent English proficient (FEP), and for students in grades 4-8 who did not receive program funding.

Florida

Program Name	English for Speakers of Other Languages
Type of Funding	Part of the state's foundation formula
Total Funding	Unknown
Funding Per Student	Students in ESL programs are given an additional weight of .265. (This equates to $904.5 per identified student.) The amount of students for each district is capped.
How Students Are Identified	Students who are enrolled in ESL programs

Maryland

Program Name	Limited English Proficiency
Type of Funding	Categorical
Total Funding	$30 million (FY 2001-02)
Funding Per Student	A district receives $1,350 for each identified student.
How Students Are Identified	Each student enrolled in an ESL program (No student may qualify for ESL funding for more than two years.)

Michigan

Program Name	Bilingual Education
Type of Funding	Categorical
Total Funding	$4.2 million in FY 1999-2000
Funding Per Student	Reimbursement is on an equal per-pupil basis and is based on the total number of ESL students enrolled in the state.

How Students Are Identified	Students enrolled in an ESL program on the pupil membership count day. Funds received may be used only for bilingual instruction in speaking, reading, writing or comprehension

New Jersey

Program Name	Limited English Proficiency (LEP)
Type of Funding	Categorical
Total Funding	$53.2 million (FY 1998-99)
Funding Per Student	$1,102 per identified student (FY 1998-99)
How Are Students Identified	Students who are identified as LEP and who are participating in a state-qualified bilingual program.

A collection of model programs for ESL from the New Jersey Department of Education can be found at **http://www.state.nj.us/njded/students/pride/**.

New York

Program Name	Limited English Proficiency Aid
Type of Funding	Part of the state's foundation formula
Total Funding	$70.8 million (FY 2000-01)
Funding Per Student	Each identified student receives an additional weight of .199. (This equated to approximately $776 per student in FY 2000-01.)
How Are Students Identified	Pupils from homes where a language other than English is spoken, and who score below the 40th percentile on a standardized test of English proficiency. Districts must receive prior program approval and report actual ESL expenditures for the previous school year to qualify for this payment.

Texas

Program Name	Bilingual Education
Type of Funding	Part of the state's foundation formula
Total Funding	Unknown
Funding Per Student	Each student who is identified as needing bilingual education is given an addition weight of .1 in the state's foundation formula. (This equaled approximately $240 per student in FY 1998-99.)
How Are Students Identified	Students who are enrolled in a bilingual education program.

Prepared by Michael Griffith, ECS Policy Analyst

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

ECS StateNotes
Character/Citizenship Education

Education Commission of the States 700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Pledge of Allegiance

October 2001

Thirty-four states have laws mentioning school participation in reciting the Pledge of Allegiance.

Of these states, 25 require schools to include recitation of the pledge during the school day. These include:

Alaska	Idaho	Mississippi	New York	Utah
California	Illinois	Montana	North Dakota	Virginia
Delaware	Kansas	Nevada	Oregon	Washington
Florida	Maryland	New Jersey	Rhode Island	West Virginia
Georgia	Massachusetts	New Mexico	South Carolina	Wisconsin

Six states encourage schools to conduct the pledge but it is optional.

Alabama	New Hampshire
Kentucky	North Carolina
Louisiana	Ohio

Three states allow teachers or administrators to read or post the pledge: Arizona, Arkansas and Indiana.

Note: Nearly all of the states make the pledge optional for students with religious or other objections.

Recitation of Pledge of Allegiance

State	School Required	School Optional	Individual Required	Individual Optional
Alaska	X			
Alabama		X		X
California	X			X
Delaware	X			
Florida	X			
Georgia	X			X
Idaho	X			
Illinois	X		X	
Kansas	X			
Kentucky		X		X
Louisiana		X		

State	School Required	School Optional	Individual Required	Individual Optional
Maryland	X		X	
Massachusetts	X		X	
Mississippi*	X		X	
Montana	X		X	
Nevada	X			
New Hampshire		X		X
New Jersey	X		X	
New Mexico	X			
New York*	X			X
North Carolina		X		X
North Dakota*	X			
Ohio		X		
Oregon*	X			X
Rhode Island	X			X
South Carolina	X			X
Utah	X			X
Virginia	X			
Washington	X			X
West Virginia	X			X
Wisconsin*	X			X

Notes

Mississippi	At least once each month. Also, all students are required to be taught the Mississippi pledge.
New York	Commissioner must prepare a program for the schools of the state to use.
North Dakota	First grade through sixth.
Oregon	At least one day per week.
Wisconsin	At least one day per week in grades 1-8.

PART II

Details Regarding Patriotic Exercises Such as Display and Care of the Flag

Key

US	Specifies United States flag
State	Specifies State's flag
Con	Conscientious objector statement included
Rel	Religious exclusion stated
Care	Use and care instruction
Site	Specifies where placed
Time	Specifies time allotted

	Citation	Grade	US	State	Language	Con	Rel	Care	Site	Time	Note
AL	Code of Ala. Sec. 16-6B-2	All grades			Each character education plan shall include						
AL	Code of Ala. Sec. 16-43-5	K-12	X		Afford opportunity to voluntarily recite					X	
AR	Ark. Stat. Ann. Sec. 6-16-122	School building or classroom			May allow to read or post						
AZ	A.R.S. Sec. 15-717	School building			May read or post						
AZ	A.R.S. Sec. 15-506	School building	X		Display for students who may wish to pledge				X	X	Purchase flag, flagstaff and appurtenances, display

	Citation	Grade	US	State	Language	Con	Rel	Care	Site	Time	Note
											upon or near the school building
CA	Cal Ed Code Sec. 52720	K-12			Shall conduct patriotic exercises					X	
DE	14 Del. C. Sec. 4105	Public schools			Shall salute and pledge each morning					X	
FL	Fla. Stat. Sec. 233.0651	School building or classroom			May read or post						
GA	O.C.G.A. Sec. 20-2-310	Public schools	X		Shall be afforded the opportunity to recite			X		X	State superintendent to prepare a program of flag instruction, use and display
ID	Idaho Code Sec. 33-1602	K - 12	X		Shall be given			X			Proper use, display, respect
IL	105 ILCS 5/27-3	All public schools	X		Shall be recited	X	X	X		X	Proper use and display
IN	Burns Ind. Code Ann. Sec. 20-10.1-4-2.5	School building or classroom			May read or post						
KS	K.S.A. Sec. 72-5308	Public schools			Daily recitation					X	
KY	KRS Sec. 158.195	Public schools			May read or post						
KY	KRS Sec. 158.175	K - 12	X	X	Establish policy so students may participate	X		X		X	Pupils learn of our great freedoms, pledge and reading Lord's prayer daily to affirm history and freedom of religion
LA	La. R.S. 17:2115	All grades			Opportunity for group recitation					X	
MA	Mass. Ann. Laws ch. 71 Sec. 69	Each school	X		Shall lead in group recitation	X			X	X	
MD	Md. Education Code Ann. Sec. 7-105	Public schools	X		Require all students and teachers	X			X	X	Includes physical stance required, act of disrespect is in violation of Act, love of freedom and democracy shown in the devotion of all true and patriotic Americans to their flag and country, shall be instilled in the hearts and minds of the youth of America
MS	Miss. Code Ann. Sec. 37-13-7	Public schools		X	To have all pupils, require the teachers					X	Note once per month only, also learn [not pledge to] MS flag
MT	Mont. Code Anno., Sec. 20-4-301		X		Recommends recitation	X					Teacher duty, refusal allowed
MT	Mont. Code Ann. Sec. 20-7-133	K - 12	X		Must be recited	X				X	Note daily K-6, weekly 7-12. Also district required to notify of right to not participate, effort to educate students in the American values of patriotism and

	Citation	Grade	US	State	Language	Con	Rel	Curr	Site	Time	Note
											love of country and to pass on the feelings of civic pride and commitment to America
NC	N.C. Gen. Stat. Sec. 115C-47	Class-rooms	X	X	Encourage display and recitation	X				X	Time is "regular" basis, instruction on meaning and historical origins of the flag
ND	N.D. Cent. Code, Sec. 15-47-37	Elementary	X		Must precede each day's study					X	Also instruction regarding words and music of national anthem so they are able to recite or sing the words, recognize the music
NH	R.S.A. 194:15-a	K - 6			May authorize/shall be voluntary	X					Learn of our great freedoms
NJ	N.J. Stat. Sec. 18A:36-3	Each school	X		Require the pupils to recite	X			X	X	Includes physical stance required, allows for foreign student exclusion
NM	N.M. Stat. Ann. Sec. 22-5-4.5	Each public school			Shall be recited					X	
NY	NY CLS Educ Sec. 802	Public schools	X		Provide for minimums			X		X	
OH	ORC Ann. 3313.602	School	X		Shall adopt a policy specifying whether or not pledge will be a part of the school's program						If established, local board also to specify time and manner of recitation
OR	ORS 339.875	School	X	X	Shall provide students with the opportunity	X		X			At least once each week of the school year, students who do not participate must maintain respectful silence
RI	R. I. Gen. Laws Sec. 16-20-4	K - 12	X		Shall prepare a printed program providing for uniform salute					X	Also the duty of the teachers to prepare a program of patriotic exercises for the proper observance of Grand Army Flag Day
RI	R. I. Gen. Laws Sec. 16-22-11	Pre-K-12			Shall commence the day	X				X	Any person not wishing to participate is exempt
SC	S. C. Code Ann. Sec. 59-1-455	K - 12			Shall say the pledge	X				X	Exemption clause with expression of nonparticipation without disruption allowed
UT	Utah Code Ann. Sec. 53A-13-101.4	Public schools			Shall include the appropriate study of historical documents						Periodic review of curricula to include study of documents including pledge and national anthem
VA	Va. Code Ann. Sec. 22.1-202	One or more grades	X	X	Instruction shall be given		X	X			Instruction shall be given (history and principals of flag), but guidelines to be developed insuring compliance with constitutional restrictions and rights
WA	Rev. Code Wash. (ARCW) Sec. 28A.230.140	Every public school	X		Shall cause a flag to be displayed near every school	X	X		X	X	Specifies pledge/anthem at school assemblies and inter-school events
WI	Wis. Stat. Sec.	Public and	X		Shall cause flag to be	X			X	X	At least one day per week

	Citation	Grade	US	State	Language	Con	Rel	Care	Site	Time	Note
	118.06	private schools grades 1-8			displayed, shall offer the pledge						
WV	W. Va. Code Sec. 18-5-15b	Public schools	X		Shall be commenced	X				X	

Source: Chris Pipho, ECS Information Clearinghouse, and Julia Pirnack, graduate student, University of Colorado-Denver. (This *ECS StateNote* has been updated.)

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303-296-8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

Charter Schools

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Charter School Accountability

First Completed in April 2001

Last Updated in March 2002

Overview

This *ECS StateNote* examines policies across the states dealing with charter school accountability and answers the following questions:

- Does the state require charter schools to submit annual reports?
- Does the state list grounds for terminating a school's charter?
- Does the state specify the specific renewal terms for charters?
- Does the state provide an appeals process in the charter school renewal process?
- Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?

Summary

Based on the information in this *ECS StateNote:*

- Thirty-five states, the District of Columbia and Puerto Rico require charter schools to submit annual reports.
- Thirty-six states and the District of Columbia list grounds for terminating a school's charter.
- Sixteen states and the District of Columbia specify the specific renewal terms for charters. These terms vary from up to four years, as in Mississippi, to 15 years, as in Arizona.

- Sixteen states and the District of Columbia provide an appeals process in the charter school renewal process.
- Twenty-five states require the state education agency or another entity to report to the legislature on the effectiveness of charter schools.

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
Alaska	Yes; charter schools must prepare an annual report card	Yes; failure of the charter school to meet education achievement goals or fiscal management standards, or for other good cause	No	No	No
Arizona	Yes; charter schools must prepare an annual report card and undergo an annual financial audit	No	Yes; charters are reviewed every five years, and are renewed for 15 years	No	No
Arkansas	Yes; charter schools must prepare an annual report card and undergo an annual financial audit	Yes; commitment of a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter, failure to satisfy generally accepted accounting standards of fiscal management, failure to comply with the state's charter school law or other applicable law or regulation	Yes; up to three years	No	Yes; the state board of education must report on the status of the charter school program to the legislature each biennium and to the House and Senate Interim Committees on Education during the interim between legislative sessions
California	Yes; charter schools must prepare an annual report card and undergo an annual financial audit	Yes; committed a material violation of any of the conditions, standards or procedures set forth in the charter, failed to meet or pursue any of the pupil outcomes identified in the charter, failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement or violated any provision of law	Yes; five years	Yes	Yes; the legislative analyst is required to contract for a neutral evaluator to conduct an evaluation of charter schools and report to the governor and the legislature on or before July 1, 2003
Colorado	Yes; charter schools must undergo annual financial audits	Yes; committed a material violation of any of the conditions, standards or procedures set forth in the charter application, failed to meet or make reasonable progress toward	Yes; no more than five years	Yes	Yes; the state department of education must prepare an annual report and evaluation for the governor and house and senate committees on

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
		achievement of the content standards or pupil performance standards identified in the charter application, failed to meet generally accepted standards of fiscal management or violated any provision of law from which the charter school was not specifically exempted			education
Connecticut	Yes; charter schools must prepare an annual school profile and undergo annual financial audits	Yes; failure to comply with probationary requirements, failure to make adequate progress with students, failure to follow the terms of the charter or failure to appropriately manage funds	Yes; five years	No	Yes; the state commissioner of education must prepare an annual report for the legislature's joint standing committee on education
Delaware	Yes; charter schools must prepare an annual report and undergo annual financial audits	Yes; the charter school, or its representatives, has committed a material fraud on the approving authority or misappropriated federal, state or local funds, fails to comply with its charter or fails to satisfy, in its operation of the school, its approval criteria	Yes; five years	No	Yes; the state department of education must prepare an annual report for the governor and the legislature
District of Columbia	Yes; charter schools must prepare annual report and undergo annual financial audits	Yes; a material violation of applicable laws or of the conditions, terms, standards, procedures set forth in the charter, failure to meet the goals and student academic achievement expectations set forth in the charter, engagement in a pattern of non-adherence to generally accepted accounting principles, engagement in a pattern of fiscal mismanagement or it is no longer economically viable	Yes; 15 years	Yes; subject to judicial review	No
Florida	Yes; charter schools must prepare annual progress reports and undergo annual financial audits	Yes; failure to meet the requirements for student performance stated in the charter, failure to meet generally accepted standards of fiscal management; violation of law or other	Yes; 15 years	Yes	Yes; the state department of education must prepare an annual report comparing test scores of charter school students with test scores of

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
		good cause shown			comparable public school students in their school district
Georgia	Yes; charter schools must prepare annual reports and undergo annual financial audits	Yes; failure to implement the charter school's improvement plan, failure to adhere to any other term of the charter, failure to meet generally accepted standards of fiscal management; a violation of applicable federal, state or local laws or the existence of competent substantial evidence that the continued operation of the charter school would be contrary to the best interests of the students of the community	Yes; up to five years	Yes; the state board of education may overrule a denial of a petition by the local school board	Yes; the state board of education must report to the legislature no later than November 1 of each year
Hawaii	Yes; charter schools must conduct and submit annual self-evaluations	Yes; failure to meet the state student performance standards or fiscal irresponsibility	No	No	No
Idaho	Yes; charter schools must submit an annual report that contains a fiscal and programmatic audit, an annual report on student progress based on the charter school's student education standards, an annual report on the results of an independent inspection of the school facilities and a copy of the charter school's accreditation report	Yes; committed a material violation of any condition, standard or procedure set forth in the charter petition, failed to substantially meet any of the student education standards identified in the charter petition, failed to meet generally accepted accounting standards of fiscal management, failed to submit required reports to the authority which authorized the charter or violated any provision of law	Yes; up to five years	Yes; a decision to revoke, not to renew or not to approve a revision of a charter may be appealed directly to the state board of education	Yes; the state board of education is required to review the education effectiveness of charter schools under the provisions of this chapter and report to the legislature not later than July 1, 2004, with recommendations which may include modification, expansion or termination of the provisions of this chapter
Illinois	Yes; charter schools	Yes; committed a material violation of	Yes; up to five	Yes; notice of a local	Yes; the state board of

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
	must submit an annual financial and administrative audit conducted by an independent outside auditor	any of the conditions, standards or procedures set forth in the charter, failed to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the charter, failed to meet generally accepted standards of fiscal management or violated any provision of law from which the charter school was not exempted	years	school board's decision to deny, revoke or not renew a charter may be appealed to the state board of education	education must submit annual report to legislature and governor comparing performance of charter school students with that of comparable students in other public schools and reviewing exemptions from state laws for charter schools
Indiana	Yes; charter schools must submit annual reports that contain results of all standardized testing, a description of graduation statistics, daily attendance records, a description of educational and teaching methods, student enrollment data and results of the annual financial audit.	Yes; failure to comply with the conditions established in the charter, meet educational goals established in the charter, comply with applicable laws and meet generally accepted accounting principles	No	No	No; however, the state department of education is required to report to the charter school review panel within six months after 20 charter schools have been approved by universities
Kansas	No	Yes; materially violated provisions contained in the charter, failed to meet or pursue the education objectives contained in the charter, failed to comply with fiscal accountability procedures as specified in the charter or violated provisions of law that have not been waived by the state board of education	No	No	Yes; the state board of education must evaluate the impact the charter school has had on the educational system of the school district and submit this report to the legislature and governor each year
Louisiana	Yes; charter schools must report to parents, community,	Yes; committed a material violation of any of the conditions, standards or procedures provided for in the	No	No	Yes; the state board of education must report to the legislature and governor by

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
	local school board and state board of education at the end of each year regarding progress toward performance objectives; charter schools must prepare more comprehensive reports at the end of the third year; financial reporting is required	approved charter, failed to meet or pursue within the agreed timelines any of the academic and other educational results specified in the approved charter, failed to meet generally accepted accounting standards of fiscal management or violated any provision of law applicable to a charter school, its officers or employees			2001, comparing performance of charter school students with that of other students
Massachusetts	Yes; charter schools must submit an annual report including audited financial statement and description of progress toward academic goals as well as state reports required of all other public schools	Yes; if the charter school has not fulfilled any conditions imposed by the board in connection with the grant of the charter or the school has violated any provision of its charter	No	No	Yes; the state is required to commission an independent evaluation of the charter under the direction of the State Education Reform Review Commission
Michigan	Yes; charter schools must prepare an annual financial report	Yes; failure to abide by and meet the education goals set forth in the contract; failure to comply with all applicable law; failure to meet generally accepted public sector accounting principles; existence of one or more other grounds for revocation as specified in the contract	No	No	Yes; the state board of education must prepare an annual report for the legislature that includes, among other items, aggregate test scores of charter school students
Minnesota	Yes; charter schools must prepare an annual report and undergo an annual financial audit	Yes; a charter may be terminated or not renewed because of failure to meet the requirements for pupil performance contained in the contract, failure to meet generally accepted standards of fiscal management,	No	No	No

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
		violations of law or other good cause shown			
Mississippi	Yes; charter schools must prepare annual progress report	Yes; failed to meet the terms specified in the charter	Yes; up to four years	No	Yes; the state board of education must prepare a report by January 1 of each year for the legislature
Missouri	Yes; charter schools must submit annual report cards	Yes; breaches any of its provisions, fails to meet academic performance standards as set in their charter, fails to meet accepted standards of fiscal management or violates the law	No	No	Yes; the state department of elementary and secondary education is required to commission a study of the performance of charter students every two years with results disseminated to the public, charter governing boards, charter sponsors, school board and the superintendent
Nevada	Yes; charter schools must file annual reports on the effectiveness of the charter school, the accountability system of the charter and budget reports	Yes; fails to comply with the provisions within the charter, standards of fiscal management or any regulation pertaining to charter schools	No	No	No
New Hampshire	Yes; charter schools must submit quarterly reports for local school boards and annual report for parents, local school board and state board of education; charter schools must have fiscal accounting and audits performed by an independent certified	Yes; falling to meet its written charter provisions, financial insolvency, breaking the law, making a misrepresentation on its application or poor fiscal management	Yes; seven years	Yes; a charter school grantee may appeal the denial of a proposed renewal to the state board of education; the state board of education must review the proposed amendment and within 30 days notify the charter school and the school board in writing of the	No

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
	accountant			decision to grant or deny the amendment, providing reasons for the decision	
New Jersey	Yes; charter schools must prepare an annual report and are subject to financial audits	Yes; failed to fulfill any condition imposed by the state commissioner of education in connection with the granting of the charter or violated any provision of its charter	Yes; five years	Yes	Yes; by October 1, 2001, the state commissioner of education is required to submit to the governor and the legislature a report on and an evaluation of the charter school program which shall include a recommendation on the advisability of the continuation, modification, expansion or termination of the program and any recommendations for changes in the structure of the program which the state commissioner of education deems advisable
New Mexico	Yes; charter schools must submit an annual accountability report	Yes; committed violations of the written charter, failed to make substantial progress toward student standards as set forth in the charter, violated the law or fiscal management problems	Yes; five years	Yes; within 30 days of local school board's decision, the charter school can appeal to the state board of education	No
New York	Yes; charter schools must submit an annual report and are subject to financial audits	Yes; if outcomes on student achievement have not shown improvement over the preceding three school years, fiscal management problems, violation of the written charter or any other violation of law	No	No	Yes; the state board of regents is required to report to the governor, the temporary president of the senate, the speaker of the assembly and the board of regents with a report that includes, for each charter school, a copy of the school's mission statement,

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
					attendance statistics and dropout rates, student performance on standardized assessment tests, projections of financial stability, and, wherever practicable, comparisons to other public schools
North Carolina	Yes; charter schools must prepare an annual report and are required to submit financial reports	Yes; failure to meet the requirements for student performance contained in the charter, failure to meet generally accepted standards of fiscal management, violations of law, material violation of any of the conditions, standards or procedures set forth in the charter or other good cause identified; also, if two-thirds of teachers and support staff at a charter school request the termination of the charter school's charter, it may be terminated	No	Yes; charter schools may appeal to the state board of education	Yes; the state board of education must prepare an annual report on academic progress, best practices and the effect of charter schools on school districts for the legislature
Ohio	Yes; charter schools must submit program and financial audits	Yes, fails to meet the standards for elementary and high schools as prescribed by the board, fails to comply with section 3313.612 [3313.61.2] of the Ohio Revised Code or, on or after July 1, 1995, fails to participate in the testing program prescribed by division (B) of section 3301.0710 [3301.07.10] of the Ohio Revised Code	No	Yes; charter schools may appeal to the state board of education	Yes; the legislative office of education oversight must produce and issue an annual composite information report on charter schools to the speaker of the house of representatives, the president of the senate and the governor
Oklahoma	Yes; charter schools are required to annually file a report including, but not limited to, information on enrollment, testing, curriculum,	Yes; failure to meet the requirements for student performance contained in the contract, failure to meet the standards of fiscal management, violations of the law or other good cause	No	Yes; if a charter school sponsor denies a request for renewal, the charter school governing board may proceed to mediation or binding	Yes; the state board of education is required to issue an annual report to the legislature and the governor outlining the status of charter schools in the state

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
	finances and employees			arbitration	
Oregon	Yes; charter schools are required to submit an annual financial audit and a yearly report on academic progress	Yes; failure to meet the terms of an approved charter, failure to meet the requirements for student performance stated in the charter, failure to correct a violation of a federal or state law, failure to maintain insurance as described in the charter or failure to maintain financial stability	No	No	No
Pennsylvania	Yes; charter schools must prepare annual report and are required to submit financial reports	Yes; failure to meet the terms of an approved charter, failure to meet the requirements for student performance, violation of a federal or state law or failure to maintain financial stability	Yes; five years	Yes; denied renewals may be appealed to a state charter schools appeal board, whose decision is binding	Yes; the secretary of education must commission an evaluation by an independent consultant for the governor, secretary and general assembly, including recommendations for continuation, modification, expansion or termination of the program
Puerto Rico	Yes; charter schools must prepare annual report	No	No	No	Yes; the Education Reform Institute is required to render a report to the legislature and the governor
Rhode Island	Yes; charter schools must prepare annual report	Yes; materially violates provisions contained in the charter, fails to meet or pursue the education objectives contained in the charter, fails to comply with fiscal accountability procedures as specified in the charter or violates provisions of law that have not been granted variance by the board of regents	No	Yes; groups or individuals may submit their complaint regarding non-renewal to the state commissioner of elementary and secondary education who is required to hear and decide the issue	No
South Carolina	Yes; charter schools must prepare annual report; charter	Yes; committed a material violation of the conditions, standards or procedures set forth in the charter	No	Yes; to the state board of education	Yes; the state board of education must prepare a final report by 2001 on

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
	schools receive a performance rating and must issue a report card containing the rating and explaining its significance and providing other information; charter schools must submit financial reports	application, failed to meet or make reasonable progress toward pupil achievement standards identified in the charter application, failed to meet generally accepted standards of fiscal management or violated any provision of law from which the charter school was not specifically exempted			charter school results, comparing performance of charter school students with that of comparable students from other public schools
Texas	Yes; charter schools must participate in state's general public-school reporting system (PEIMS); charter schools are required to submit financial reports	Yes; committed a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter, failed to satisfy generally accepted accounting standards of fiscal management or failed to comply with another applicable law or rule; open enrollment charter schools may also have their charters terminated for failing to protect the health, safety or welfare of the students enrolled in the school or for being rated academically unacceptable for a period of two or more years	No	No	No
Utah	Yes; charter schools must make annual progress reports and submit an annual financial audit report	Yes; fails to meet the requirements for student performance stated in the charter, fails to meet generally accepted standards of fiscal management, fails to provide annual progress or financial reports, violates the law or other good cause shown.	No	No	Yes; the governing body of a charter school must make annual progress reports and submit annual financial audit reports to the legislature through its Education Interim Committee
Virginia	Yes	Yes; violates the conditions, standards or procedures established in the charter school application, fails to meet or make reasonable progress toward achievement of the content	No	No	Yes; the state board of education is required to report annually its findings and evaluations of any charter schools established

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
		standards or student performance standards identified in the charter application, fails to meet generally accepted standards of fiscal management or violates any provision of law from which the charter school was not specifically exempted; a charter may also be revoked if the local school board determines, in its discretion, that it is not in the public interest or for the welfare of the students within the school division to continue the operation of the school or, in the case of a regional charter school, to continue its participation in the operation of the school			in the Commonwealth to the governor and the legislature
Wisconsin	Yes	Yes; violated its contract, the pupils enrolled in the charter school failed to make sufficient progress toward attaining the state education goals, failed to comply with generally accepted accounting standards of fiscal management or violated any law	No	No	No
Wyoming	No	Yes; committed a material violation of any of the conditions, standards or procedures set forth in the charter petition, failed to meet or make reasonable progress towards achievement of content standards or pupil performance standards identified in the charter petition, failed to meet generally accepted accounting standards of fiscal management or violated any provision of law from which the charter school was not specifically exempt	Yes; up to five years	Yes; in the first appeal to the state board of education, it reviews the decision and may remand the decision back to the local school board for reconsideration; in the second appeal to the state board of education, it reviews the decision and may instruct the local school board to approve the	No

State	Does the state require charter schools to submit annual reports?	Does the state list grounds for terminating a school's charter?	Does the state specify the specific renewal terms for charters?	Does the state provide an appeals process in the charter school renewal process?	Does the state require the state education agency or another entity to report to the legislature on the effectiveness of charter schools?
				application	

This *ECS StateNote* is part of a larger series called the "Collection of Charter Schools *ECS StateNotes*." As part of the "Collection of Charter Schools *ECS StateNotes*," ECS has also produced (to go to any of the following documents, please click onto either of the links for each document):

- Charter School Basics (HTML Version at http://www.ecs.org/clearinghouse/24/12/2412.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/12/2412.doc)
- Charter School Finance (HTML Version at http://www.ecs.org/clearinghouse/24/13/2413.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/13/2413.doc)
- Charter School Autonomy (HTML Version at http://www.ecs.org/clearinghouse/24/14/2414.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/14/2414.doc)
- Charter School Teachers (HTML Version at http://www.ecs.org/clearinghouse/24/15/2415.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/15/2415.doc)

55

In compiling the information for these documents, we relied on the following resources:

- Each state's statutes and administrative codes concerning charter schools
- Interviews with state department of education officials, state legislative staff and state charter school association representatives
- "Charter School Laws, State by State" by the Center for Education Reform
- "The Charter School Roadmap" by the Education Commission of the States and the National Conference of State Legislatures

If you have any questions about this document, please contact Todd Ziebarth at 303-299-3652 or tziebarth@ecs.org.

This *ECS StateNote* was completed by Kirstin Cracium, research associate, Katy Anthes, policy analyst and Todd Ziebarth, policy analyst, ECS National Center on Governing America's Schools, with financial support from the Joyce Foundation.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States 700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Education Commission of the States

StateNotes

Charter Schools

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Charter School Autonomy

First Completed in April 2001
Last Updated in March 2002

57

Overview

This *ECS StateNote* examines policies dealing with charter school autonomy across the states and answers the following questions:

- Are the state's standards and assessments applied to charter schools?
- Are there any restrictions on a charter school's budgetary authority?
- What rules are waived for charter schools?

Summary

Based on the information in this *ECS StateNote*:

- Thirty-seven states, the District of Columbia and Puerto Rico apply state standards and assessments to charter schools.
- Twenty-one states do not place any restrictions on a charter school's budgetary authority. Eight states, the District of Columbia and Puerto Rico place restrictions on a charter school's budgetary authority. In six states, restrictions, if any, on a charter school's budgetary authority are specified in the charter. Restrictions on budgetary authority in two states, Massachusetts and Texas, depend on the type of charter school.

- In 20 states, the District of Columbia and Puerto Rico, charter schools receive an automatic waiver from most state and school district education laws, regulations and policies. In five states, exemptions from particular laws, regulations and policies must be specified in charter. In three states, charter schools may seek waivers on a case-by-case basis from the state board of education. Waiver policies vary widely among the remaining nine states.

State	Are the state's standards and assessments applied to charter schools?	Are there any restrictions on a charter school's budgetary authority?	What rules are waived for charter schools?
Alaska	Yes	No	Charter schools are exempt from a school district's textbook, program, curriculum and scheduling requirements; charter schools are exempt from a state law that requires superintendents of schools to select, appoint and otherwise control school district employees that serve under the superintendent; school boards may exempt a charter school from other school district requirements if the exemption is set out in the contract; school boards may seek waivers from certain state regulations on a charter school's behalf; waivers to regulations that are required by a specific state or federal law or a regulation necessary to assure health and safety standards are prohibited
Arizona	Yes	No	Except as provided in the state's charter school law and in a charter school's charter, a charter school is exempt from all statutes and rules relating to schools, governing boards and school districts
Arkansas	Yes	No	Exemptions from particular laws, regulations and policies must be specified in charter
California	Yes	No	Automatic waiver from most state education laws, regulations and policies; exemptions from school district policies must be negotiated with sponsor school district and specified in charter
Colorado	Yes	No	Exemptions from school district policies must be negotiated with sponsor school district and specified in charter, and waivers from state statutes must be granted by state board of education
Connecticut	Yes	No	Requests for exemptions from particular laws, regulations and policies are contained in the charter
Delaware	Yes	No	Exempt from all provisions of the state's education code and all school district regulations, except as specified in the state's charter school law
District of Columbia	Yes (i.e., districtwide standards and assessments)	Yes; contracts over $25,000 must be approved by the school's chartering authority	Automatic waiver from most school district education laws, regulations and policies
Florida	Yes	No	Exempt from all statutes of the state education code, except those specifically applying to charter schools; those pertaining to the provision of services to students with disabilities; those pertaining to civil rights, including those pertaining to discrimination; and those pertaining to student health, safety and

State	Are the state's standards and assessments applied to charter schools?	Are there any restrictions on a charter school's budgetary authority?	What rules are waived for charter schools?
			welfare; or as otherwise required by the state's charter school law
Georgia	Yes	Restrictions, if any, are specified in charter	Exempt from state education laws, state and local education rules, regulations, policies and procedures other than the state's charter school laws and rules
Hawaii	Yes	Yes	Automatic waiver from most state and school district education laws, regulations and policies
Idaho	Yes	Restrictions, if any, are specified in charter	Automatic waiver from most state and school district education laws, regulations and policies
Illinois	Yes	No	Automatic waiver from most state and school district education laws, regulations and policies
Indiana	Yes	No	Automatic waiver from most state and school district education laws, regulations and policies
Kansas	Yes	Yes	Exemptions from particular laws, regulations and policies must be negotiated and specified in charter
Louisiana	Yes	Yes	Automatic waiver from most state and school district education laws, regulations and policies
Massachusetts	Yes	There are no restrictions for Commonwealth charter schools; restrictions, if any, for Horace Mann charter schools are specified in charter	Charter schools do not receive automatic waivers from state education laws and regulations, but they do receive automatic waivers from school district laws and regulations
Michigan	Yes	No	Charter schools may seek waivers on a case-by-case basis from state board of education
Minnesota	Yes	No	Automatic waiver from most state and school district education laws, regulations and policies
Mississippi	Yes	Yes	Automatic waiver from most state and school district education laws, regulations and policies except as specified in the state's charter school law
Missouri	Yes	No	Automatic waiver from most state and school district education laws, regulations and policies
Nevada	Yes	Yes	Certain exemptions from particular laws, regulations and policies may be negotiated and specified in charter or requested later through waiver process
New Hampshire	Yes	No	Automatic waiver from most state and school district education laws, regulations and policies
New Jersey	Yes	No	Exemptions from particular laws, regulations and policies may be requested in charter application
New Mexico	Yes	No	Certain exemptions from particular laws, regulations and policies may be negotiated and specified in charter or requested later through waiver process
New York	Yes	No	Automatic waiver from most state and school district education laws, regulations and policies

State	Are the state's standards and assessments applied to charter schools?	Are there any restrictions on a charter school's budgetary authority?	What rules are waived for charter schools?
North Carolina	Yes	No	Charter schools are waived from state laws and school district regulations except for local-board-sponsored charters, which must negotiate with sponsor school district for waivers from school district rules
Ohio	Yes	No	Automatic waiver from most state and school district education laws, regulations and policies except for a few non-education regulations identified in the state's charter school law
Oklahoma	Yes	No	Except as provided for in the state's charter school law and a charter school's charter, a charter school is exempt from all statutes and rules relating to schools, boards of education and school districts; there also are a limited amount of waivers available to charter schools
Oregon	Yes	Yes	Automatic waiver from most state and school district education laws, regulations and policies
Pennsylvania	Yes	No	Automatic waiver from most state and school district education laws, regulations and policies, except for those that directly apply to charter schools
Puerto Rico	Yes	Yes	Exempt from state laws, rules, regulations, policies and procedures other than those pertaining to charter schools
Rhode Island	Yes	Restrictions, if any, are specified in charter	Exemptions from particular laws, regulations and policies must be specified in charter
South Carolina	Yes	Restrictions, if any, are specified in charter	Automatic waiver from most state and school district education laws, regulations and policies
Texas	Yes	Restrictions, if any, for school district-approved charter schools are specified in charter; there are no restrictions for open-enrollment charter schools	Automatic waiver from most state and school district education laws, regulations and policies, except as provided in law
Utah	Yes	Yes	A charter school may apply to the state board of education for a waiver of any state board of education rule that inhibits or hinders the charter school from accomplishing the mission or educational goals set out in its charter
Virginia	Yes	Yes	Waivers are granted at the discretion of the state board of education
Wisconsin	Yes	Restrictions, if any, are specified in charter	Automatic waiver from state education laws, regulations and policies, but not from school district education laws, regulations and policies, except in Milwaukee
Wyoming	Yes	Restrictions, if any, are specified in charter	Pursuant to its contract, a charter school may operate free from specified state regulations and school district policies. A school district may waive locally imposed school district requirements without state board of education approval. The state board of education may waive state statutory requirements or rules.

This *ECS StateNote* is part of a larger series called the "Collection of Charter Schools *ECS StateNotes*." As part of the "Collection of Charter Schools *ECS StateNotes*," ECS has also produced (to go to any of the following documents, please click onto either of the links for each document):

- Charter School Basics (HTML Version at http://www.ecs.org/clearinghouse/24/12/2412.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/12/2412.doc)
- Charter School Finance (HTML Version at http://www.ecs.org/clearinghouse/24/13/2413.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/13/2413.doc)
- Charter School Teachers (HTML Version at http://www.ecs.org/clearinghouse/24/15/2415.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/15/2415.doc)
- Charter School Accountability (HTML Version at http://www.ecs.org/clearinghouse/24/17/2417.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/17/2417.doc)

In compiling the information for these documents, we relied on the following resources:

- Each state's statutes and administrative codes concerning charter schools
- Interviews with state department of education officials, state legislative staff and state charter school association representatives
- "Charter School Laws, State by State" by the Center for Education Reform
- "The Charter School Roadmap" by the Education Commission of the States and the National Conference of State Legislatures

If you have any questions about this document, please contact Todd Ziebarth at 303-299-3652 or tziebarth@ecs.org.

This *ECS StateNote* was completed by Kirstin Craciun, research associate, Katy Anthes, policy analyst and Todd Ziebarth, policy analyst, ECS National Center on Governing America's Schools, with financial support from the Joyce Foundation.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

Charter Schools

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Charter School Basics

First Completed in April 2001
Last Updated in March 2002

Overview

This *ECS StateNote* examines the basic areas of charter school policies across the states. In so doing, it answers the following questions:

- Does the state allow existing public schools to convert to charter schools?
- Does the state allow for the creation of start-up charter schools?
- Are charter schools part of the school district or legally independent?
- Does the state specify the charter schools or the students that must be given preference?
- Does the state have any caps on the number of charter schools?
- Who can approve charter schools?
- Does the state specify who may operate a charter school?
- Is there an appeals process in place for charter applicants?
- Does the state provide technical assistance to charter schools?

Summary

Based on the information in this *ECS StateNote*:

- 37 states, the District of Columbia and Puerto Rico allow existing public schools to convert to charter schools.
- 36 states and the District of Columbia allow for the creation of start-up charter schools. Mississippi and Puerto Rico do not allow for the creation of start-up charter schools.
- Charter schools are a part of the school district in 19 states and Puerto Rico, and are legally independent in 10 states. The legal status of charter schools is not uniform within eight states and the District of Columbia, and is determined in various ways in these places.
- 33 states and the District of Columbia specify the charter schools or the students that must be given preference.
- 25 states, the District of Columbia and Puerto Rico have caps on the number of charter schools. While there are not any caps on the number of charter schools in Delaware, the state department of education (with the approval of the state board of education) or a local school board may limit the number of charters granted.
- In 14 states and Puerto Rico, there is one process in place for approving charter schools. The most frequent process, which exists in 12 states, is to place authority for approving charter schools with local school boards. In 23 states and the District of Columbia, there are multiple processes in place for approving charter schools. For example, Arizona places authority for approving charter schools with local school boards, the state board of education and the state board for charter schools.
- 26 states specify who may operate charter schools.
- 25 states and the District of Columbia have an appeals process in place for charter applicants.
- 28 states and Puerto Rico provide technical assistance to charter schools.

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
Alaska	Yes	Yes	Part of the school district	No	Yes; 60	Both the local school board and the state department of education must approve application	No	No	Yes; the state provides technical assistance during the application process

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
Arizona	Yes	Yes	State board of education or state board for charter schools sponsored charter schools are legally independent; school district sponsored charter schools are either part of the school district or legally independent	Yes; returning pupils; siblings; pupils who reside within the boundaries of the school district where the charter school is physically located, if the charter school is sponsored by that school district's board	No	Local school board, the state board of education or the state board for charter schools	Yes; public body, private person or private organization	No; however, petition may be submitted to an alternative chartering authority	Yes; technical assistance is offered through a school board, the state board of education or the state board for charter schools
Arkansas	Yes; these are called conversion charter schools	Yes; these are called open enrollment charter schools	Conversion charter schools are part of the school district; open enrollment charter schools are legally independent	Yes; the state board of education must give preference to applications for charter schools located in school districts where the percentage of students who quality for free or reduced price lunches is above the average for the state or where the percentage	Yes; the state board of education may grant no more than 12 charters for open enrollment charter schools, and no more than three of such charters may be granted in any single congressional district	For both conversion and open enrollment charter schools, both the local school board and the state board of education must approve the application; no school district with an enrollment of less than 500	Yes; for conversion charter schools, any existing public school; for open enrollment charter schools, a governmental entity, an institution of higher learning or a tax-exempt non-sectarian organization	Yes; open enrollment charter school petitioners may appeal a local school board's decision to the state board of education	Yes; the state department of education may provide technical assistance to charter school petitioners

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
				of students not reading at grade level is above the average for the state; the charter may allow a weighted lottery to be used in the selection process in school districts under court ordered desegregation		is eligible for open enrollment charter school status			
California	Yes	Yes	Charter schools choose to be part of the school district or legally independent	Yes; priority in the approval process is given to schools designed to serve low-achieving students; conversions must give preference to pupils who reside within the former attendance area of that charter school; in cases of over-enrollment,	Yes; 450, increases by 100 each year	Local school board, county board of education	No	Yes; a charter application denied by a local school board may be appealed to the county board of education or the state board of education; a charter application denied by a county board of education may be appealed to the state board of education	No

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
				conversions and start-ups must give preference to pupils currently attending the charter school and pupils who reside in the school district					
Colorado	Yes	Yes	Part of the school district	Yes; priority of consideration must be given to charter schools targeting at-risk students; a majority of a charter school's students must reside in the chartering school district or in contiguous school districts	No	Local school boards	No	Yes; a denied charter may be appealed to the state board of education, which may remand the decision back to local school board for reconsideration; a second denial may also be appealed to the state board of education, which may then instruct the local school board to approve the charter	Yes; the state department of education provides technical assistance to persons and groups preparing or revising charter applications
Connecticut	Yes; these are called local charter schools	Yes; these are called state charter schools	Legally independent	Yes; the state board of education must give preference to applicants	Yes; 24	Local charter schools must be approved by the local or regional board	Yes; any person, association, corporation, organization	No	Yes; the state department of education

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
				that will serve students who reside in a priority district or in a district in which 75% or more of the enrolled students are members of racial or ethnic minorities and to applicants that will be located at a work-site or that are institutions of higher education		of education and the state board of education; state charter schools must be approved by the state board of education	or other entity, public or independent institution of higher education, local or regional board of education, two or more boards of education jointly or regional educational service center		provides technical assistance to charter schools, although it is not required to do so by statute
Delaware	Yes	Yes	Legally independent	Yes; for conversions, students already attending the school and their siblings	No; the state department of education (with the approval of the state board of education) or a local school board may limit the number of charters granted.	For conversions, local school boards; for start-ups, local school boards or the state board of education	Yes; any person, university, college or non-religious, non-home-based, nonsectarian entity	No	Yes; the state department of education provides technical assistance upon request
District of Columbia	Yes	Yes	Charter schools are	Yes; for both start-ups and	Yes; 20 per year; each of	District of Columbia	No	Yes; subject to judicial review	No

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
			legally independent except that for special education purposes they may choose to be part of the school district	conversions, siblings are given preference; for conversions, students attending the school prior to conversion, and students who reside within the attendance boundaries, if any, in which the school is located	the two chartering authorities may not approve more than 10 petitions per year	Board of Education and the District of Columbia Public Charter School Board			
Florida	Yes	Yes	Legally independent	Yes; for conversions, students who would have otherwise attended that school	For conversions, no. For start-ups, yes; 28 in each district that has 100,000 or more students; 20 in each district that has 50,000 to 99,000 students; 12 in each district with fewer than 50,000 students.	Local school boards	Yes; an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of the state, except private, parochial and home schools	Yes; denied charters may be appealed to state board of education, but the local school board may refuse state board of education's suggestion	Yes; state department of education may provide technical assistance to an applicant upon written request

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
Georgia	Yes	Yes	Part of the school district	Yes; students who reside in the charter school's attendance zone	No	Both the local school board and the state department of education must approve application	Yes; private individuals, private organizations or state or local public entities, except a home school, religious school, private for-profit school, private educational institution not established, operated or governed by the state, or an existing private school	Yes; state board of education may overrule a denial of a petition by the local school board	Yes; state department of education may assist charter schools in creating and modifying petitions
Hawaii	Yes	Yes	Part of the school district	No	Yes; 25	State board of education, upon recommend-ation of the New Century Charter School Review Panel	Yes; any public school, community, group of teachers, group of administrators and teachers, nonprofit organization or any program within an existing school	Yes; a local school board may file an appeal with the New Century Charter School Review Panel, who then forwards the implementation plan and any other documentation to the state board of	Yes

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
								education, who makes the final decision	
Idaho	Yes	Yes	Part of the school district	Yes; children in attendance area and siblings of children currently enrolled in the charter school	Yes; 60 in the first five years; no more than 12 may be approved in any one year; no more than two may be granted within an educational classification region in any one year; no more than one may be granted for any one school district in a year	Local school boards	Yes; anyone except for-profit entities	No; however, the state superintendent of public instruction must select a hearing officer to review the action of the local school board; the hearing officer must submit a written suggestion to the local school board and to the persons requesting the review; the suggestion is not binding	Yes; the state department of education provides technical assistance to charter schools
Illinois	Yes	Yes	Legally independent	Yes; preference in approval process is given to schools designed to serve substantial proportion of at-risk children; for	Yes; 45 total; maximum of 15 in Chicago, 15 in Chicago suburbs and 15 in rest of state	Local school boards	Yes; individual or organization including parents, educators, existing public schools, businesses, colleges, universities, community-	Yes; denied charters may be appealed to the state board of education whose decision is binding	Yes

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
				conversions, students enrolled in former public school and their siblings			based organizations or partnerships among these entities		
Indiana	Yes	Yes	Part of the school district	Yes; with some exceptions, new admissions to any charter school may be limited to ensure that students currently attending may continue to attend in subsequent years and to allow siblings to attend; conversion schools may limit new admissions during their first year of operation to students currently attending the school and to siblings of students	Yes; while there are no caps on the number of charter schools that may operate across the state, the mayor of Indianapolis may approve no more than five charters during 2001-02, a number which increases cumulatively by five in each subsequent year	Local school boards, universities or persons assigned under the direction of the university's board and the mayor of Indianapolis, upon approval of a majority of the members of the city's legislative body	No	Yes; applicants may submit a rejected proposal to a different sponsor or appeal the decision to the state-level charter school review panel who may either reject, conditionally approve or recommend changes to the proposal	Yes

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
Kansas	Yes	Yes	Part of the school district	No	Yes; 30	Local school boards, subject to state board of education review for compliance with law	Yes; school or school district employee groups, educational services contractors, other persons or entities	No	Yes; the state department of education provides, upon request, technical assistance to charter school applicants
Louisiana	Yes	Yes	The legal status of a charter school is negotiated and determined in its charter	Yes; locally-sponsored charters admit students within the district; state-sponsored charters admit all students in the state; in certain cases, charter schools must enroll not less than 50% of students who are at-risk	Yes; 42	Local school boards	Yes; group of three or more teachers or one of the following as long as it includes three or more teachers: (1) 10 or more citizens, (2) public service organization, (3) business or (4) college or university	Yes; through the state board of education, who can grant charters on appeal	Yes; state department of education provides technical assistance to charter school applicants
Massachusetts	Yes	Yes	State-approved start-up charter schools, called Common-wealth charter	Yes; residents of city or town where charter school resides; siblings of previously enrolled	Yes; 120, with 48 reserved for Horace Mann charter schools and 72 reserved for Common-	For Common-wealth charter schools, the state board of education; for Horace Mann charter	Yes; two or more certified teachers, 10 or more parents, non-profit organizations	Yes; to the state board of education	Yes; special education technical assistance staff provides

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
			schools, are legally independent; school district-approved conversion charter schools, called Horace Mann charter schools, determine their legal status through negotiations with the school district	students; for conversions, students that were enrolled in the school before it was converted	wealth charter schools; Common-wealth charter schools may not serve more than 4% of statewide public school population	schools, local school board, local teachers union and state board of education			periodic workshops along with onsite visits; technical assistance is available for applicants for Horace Mann charter schools
Michigan	Yes	Yes	Legally Independent	Yes; students enrolled in charter school in prior year; siblings of students enrolled in charter school	Yes; no single university may authorize more than 50% of the total number of charter schools authorized by the state's universities	Local school boards, intermediate school boards, community colleges, state public universities, all subject to state board of education review for compliance with law	Yes; one or more persons or an entity (i.e., partnership, non-profit organization, labor organization, or any other legal entity)	Yes; if petition to local school board is rejected, applicant may have it placed on local ballot; applicant denied by any chartering authority may petition a different chartering authority	Yes; inter-mediate school districts provide technical assistance to charter schools

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
Minnesota	Yes	Yes	Part of the school district	Yes; pupils who live within two miles of a charter school and more than five miles from the next closed public school; siblings of students enrolled in the charter school	No	Local school boards, public post-secondary institutions, private colleges and cooperatives, all subject to state board of education approval	Yes; one or more licensed teachers, subject to approval by the state commissioner of education	Yes; school districts receiving an application must act within 90 days or it goes on appeal to the state; denied charters may be appealed to the state board of education, whose decision is binding	No
Mississippi	Yes	No	Part of the school district	Yes; students previously enrolled in school, then children of school staff, then other students in the school district	Yes; Six	Both the local school board and the state department of education must approve application	Yes; existing public schools	No; however, if a local school board denies an existing school's request for a petition, the state board of education may request a hearing to receive further information from the local school board and the faculty of the existing school	Yes; state board of education may provide assistance with the creation of the petition
Missouri	Yes	Yes	Legally independent, but the charter school is considered a building within	Yes; priority given to charter school applicants that propose a school oriented	Yes; charter schools can open only in the Kansas City and St. Louis school	The Kansas City and St. Louis school boards, a community college, a	No	Yes; if any one of the sponsors reject the charter school application, the applicant can	No

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
			the school district	to high-risk students and to the re-entry of dropouts into the school system; if a sponsor grants three or more charters, at least one-third must be to schools that actively recruit dropouts or high-risk students	districts; conversions can total up to 5% of operating public schools	public four-year college or university located in, adjacent to or providing services in these school districts with an approved teacher education program that meets regional or national standards of accreditation		appeal to the state board of education; if the state board of education rejects the application, then judicial review is an option	
Nevada	Yes	Yes	Part of the school district	Yes; racial balance provisions may not differ by more than 10% from the school district in which the charter school is located	Yes; 21 throughout the state, with some geographic restrictions; in addition, an unlimited number serving at-risk students	First reviewed by the state board of education, and then approved by local school boards; the state board of education may approve charter schools that are formed exclusively to serve special education students	Yes; committee consisting of at least three certified teachers	Yes; to the state board of education's subcommittee on charter schools, that may recommend that the state board of education approve the application; to the district court thereafter	Yes; the state department of education provides technical assistance to charter schools

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
New Hampshire	Yes	Yes	Legally independent	Yes; students in the school district where the charter school is located; for conversions, students attending public school prior to conversion	No	Both the local school board and the state department of education must approve application	Yes; non-profit organizations, two or more certified teachers, 10 or more parents	Yes; denied charters may be appealed to state board of education, but the state's suggestion is non-binding	No
New Jersey	Yes	Yes	Legally independent	Yes; state's charter school law encourages formation of charter schools in urban areas with participation of higher education institutions and requires charter schools to seek cross-section of school age population including racial and academic factors; students in the school district where the charter school is located	No	State commissioner of education	Yes; teachers and/or parents in school district; college, university or private entity in conjunction with teachers and/or parents	Yes; approvals and denials may be appealed by local school boards and prospective charter schools	Yes
New Mexico	Yes	Yes	Part of the	Yes; sibling of	Yes; 75 start-	Local school	No	Yes; to the state	Yes;

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
			school district	students in the school; students attending public school prior to conversion	ups, 25 conversions in a five-year period	boards		board of education within 30 days, whose decision is binding; the state board of education may also review local school board decisions	available upon request from the state department of education
New York	Yes	Yes	Legally independent	Yes; applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure; students and siblings of school district employees	Yes; 100 start-ups, unlimited number of conversions	For conversions, local school boards; the State University of New York board of trustees (up to 50 start-ups); the New York State Board of Regents (up to 50 start-ups); in the New York City school district, the local chancellor charters conversion and new starts	Yes; teachers, parents, community residents, school administrators or any combination thereof	No	No
North Carolina	Yes	Yes	Part of the school district	Yes; charter schools designed to	Yes; 100, with a maximum of five per	Local school boards and the University	Yes; person, group of persons, or	Yes; charter application denied by local	Yes; state department of

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
				serve at-risk students; children of charter school's professional staff; for conversions of public schools, students in attendance area of former public school; after one year, charter school must reasonably reflect racial balance of district or, if serving special population, must resemble the balance of that population in the school district	school district per year	of North Carolina, both of whose approvals are subject to final approval by state board of education	non-profit corporation	school board or the University of North Carolina may be appealed to state board of education	education provides technical assistance to charter school applicants upon request
Ohio	Yes	Yes	Legally independent	Yes; students eligible to attend school in the "Big Eight" school districts; students enrolled in the school the previous year, siblings of enrolled	Yes; charter schools can open only in the counties of the "Big Eight" school districts, excluding Toledo	Any local school board or joint vocational board in the county in which the "Big Eight" school district resides, or state board of	No	No; although rejected applicants may apply to other chartering authorities	Yes; the state community school commission established by the state department of education provides

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
				students; minority and ethnic enrollment must reflect the community that the charter school serves; charter schools must comply with any desegregation order in effect		education			technical assistance
Oklahoma	Yes	Yes	Part of the school district	Yes; students who reside in the district where the charter school is located; siblings; charter schools are subject to desegregation regulations	Yes; charter schools may open only in school districts with 5,000 or more students and a population of at least 500,000 or in vocational-technical school districts which serve such school districts	Local school boards or vocational-technical school districts	Yes; a local school board, public body, public or private college or university, private person, or private organization	Yes; the applicant may submit a revised application for reconsideration to a potential sponsor within 30 days after receiving notification of the rejection; if a potential sponsor rejects the revised application, the applicant may proceed to mediation or binding arbitration	Yes; the state department of education provides technical assistance
Oregon	Yes	Yes	Part of the school district	Yes; siblings	Yes; no more than 10% of students in a	Local school boards	No	Yes; the applicant may appeal decision	Yes; the state department

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
					school district can be enrolled in charter schools; this provision can be waived by a school district, and sunsets in 2003			of the local school board to the state board of education; applicants may seek judicial review if the state board of education does not agree to sponsor the charter school.	of education provides technical assistance
Pennsylvania	Yes	Yes	The legal status of a charter school is negotiated and determined in its charter	Yes; siblings; children of charter school developers; students who reside in the sponsoring school district or districts; charter school must comply with school district's desegregation order	No	Local school boards; two or more local school boards may grant regional charters	Yes; individuals, parents, teachers, nonsectarian institutions of higher education, museums, nonsectarian corporation not-for-profits, corporations, associations, or any combination thereof	Yes; denied applications may be appealed to a state charter school appeals board, whose decision is binding	Yes; the state department of education provides technical assistance via monthly regional workshops and upon individual request
Puerto Rico	Yes	No	Part of the school district	No	Yes; Cannot exceed 15% of the total schools for the pre-primary, primary and	Education Reform Institute	No	No	Yes; community school facilitators provide technical assistance

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
					secondary levels of the public education system				
Rhode Island	Yes	Yes	Part of the school district	Yes; charter schools designed to serve at-risk students; charter school must have a program for encouraging enrollment of diverse student population; students attending public school prior to conversion; combined percentage of free-lunch students, special education students, and limited-English-proficient students must at least equal combined percentage for district as a whole	Yes; no more than two charters in a single school district; if school district has more than 20,000 students, then four charters may be granted; the total number of students in charter schools is limited to 1% statewide if there are 10 charter schools, 2% if there are 20 charters	State board of regents, after charter school has been approved by local school board or state commissioner of elementary and secondary education	Yes; school districts, school personnel, public colleges and universities, and established Rhode Island nonprofit organizations existing for more than two years and not for the purpose of operating a school	No	No

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
South Carolina	Yes	Yes	Charter schools organize as non-profit organizations, but are part of the school district	Yes; siblings, children of charter school employees racial balance of charter school may not differ from school district by more than 10%	No	Local school boards	Yes; parents, teachers, community members	Yes; denied charter may be appealed to the state board of education	Yes; local school boards and state department of education provide technical assistance to charter school applicants upon request
Texas	Yes	Yes	School district-approved charter schools are part of school district; state board of education-approved charter schools, called open-enrollment charter schools, are legally independent	Yes; for school district-approved charters, geographic and residency considerations	Yes; 215 open-enrollment charter schools as well as unlimited additional open-enrollment charters in which at least 75% of students are dropouts or at-risk of dropping out; unlimited number of school district-approved	Local school boards for school district-approved charters; state board of education for open-enrollment charters	Yes; for school district-approved charters, parents and teachers at existing public schools; for open-enrollment charters, existing public or private schools, parents, teachers, public or private institutions of higher education, non-profit	No	No

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
					charters		organizations or governmental entities		
Utah	Yes	Yes	Part of the school district	Yes; students of a founding parent, siblings of enrolled students, district residents, and former students of that school	Yes; for start-up charter schools, 12 for the 2001-02 school year and 16 for the 2002-03 school year; the number of start-up charter schools in a school district is limited to an enrollment equal to 4% of the school district's student population	Local school boards and the state board of education	Yes; any individual, group or a legal entity	Yes; local school board decisions are subject to judicial review; also, applications rejected by a local school board may be submitted to the state board of education for approval	Yes; the state department of education provides technical assistance upon request
Virginia	Yes	Yes	Part of the school district	Yes; limited to those in school district, with at-risk students emphasized; one of each of two charters must serve at-risk students; must fulfill court-ordered	Yes; the number of charter schools in a school district cannot exceed 10% of the school district's total number of schools or	Local school board; two or more local school boards can sponsor a regional charter school	No	No	Yes; the state department of education provides technical assistance

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
				desegregation	two charter schools, whichever is greater				
Wisconsin	Yes	Yes	Sponsoring organization determines whether the charter school is part of the school district or legally independent	Yes; local school boards must give preference in awarding charters to charter schools designed to serve at-risk students; racial balance must mirror school district; students in sponsoring school district(s) or students in state's open enrollment program, if space is available; for conversions, students in attendance area of former public school	No	Outside of Milwaukee, local school boards; in Milwaukee, local school board, city of Milwaukee, University of Wisconsin-Milwaukee, and Milwaukee Area Technical College	No	Yes; for applications rejected by the local school board in Milwaukee, the person seeking to establish the charter school may, within 30 days after the denial, appeal the denial to the state department of education	No
Wyoming	Yes	Yes	Part of the school district	No	No	Local school boards	No	Yes; in the first appeal to the state board of education, it	No

State	Does the state allow existing public schools to convert to charter schools?	Does the state allow for the creation of start-up charter schools?	Are charter schools part of the school district or legally independent?	Does the state specify the charter schools or the students that must be given preference?	Does the state have any caps on the number of charter schools?	Who can approve charter schools?	Does the state specify who may operate a charter school?	Is there an appeals process in place for charter applicants?	Does the state provide technical assistance to charter schools?
								reviews the decision and may remand the decision back to the local school board for reconsideration; in the second appeal to the state board of education, it reviews the decision and may instruct the local school board to approve the application	

This *ECS StateNote* is part of a larger series called the "Collection of Charter Schools *ECS StateNotes*." As part of the "Collection of Charter Schools *ECS StateNotes*," ECS has also produced (to go to any of the following documents, please click onto either of the links for each document):

- Charter School Finance (HTML Version at http://www.ecs.org/clearinghouse/24/13/2413.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/13/2413.doc)
- Charter School Autonomy (HTML Version at http://www.ecs.org/clearinghouse/24/14/2414.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/14/2414.doc)
- Charter School Teachers (HTML Version at http://www.ecs.org/clearinghouse/24/15/2415.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/15/2415.doc)
- Charter School Accountability (HTML Version at http://www.ecs.org/clearinghouse/24/17/2417.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/17/2417.doc)

In compiling the information for these documents, we relied on the following resources:

- Each state's statutes and administrative codes concerning charter schools
- Interviews with state department of education officials, state legislative staff and state charter school association representatives
- "Charter School Laws, State by State" by the Center for Education Reform
- "The Charter School Roadmap" by the Education Commission of the States and the National Conference of State Legislatures

If you have any questions about this document, please contact Todd Ziebarth at 303-299-3652 or tziebarth@ecs.org.

This *ECS StateNote* was completed by Kirstin Craciun, research associate, Katy Anthes, policy analyst and Todd Ziebarth, policy analyst, ECS National Center on Governing America's Schools, with financial support from the Joyce Foundation.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

Charter Schools

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Charter School Finance

First Completed in April 2001

Last Updated in March 2002

Overview

This *ECS StateNote* examines charter school finance policies across the states and answers the following questions:

- Through whom does a charter school receive its funding?
- How is the per-pupil funding level for a charter school determined?
- Does the state provide start-up and/or planning grants to charter schools?
- Does the state provide facilities funds or other facilities assistance to charter schools?
- Does the state specify who must provide transportation to charter school students?

Summary

Based on the information in this *ECS StateNote*:

- In 20 states, charter schools receive their funding from school districts. In seven states, through whom a charter school receives its funding varies depending on the chartering authority. In four states, charter schools receive the state share of their funding from the state and the local share of their funding from

school districts. In four states, charter schools receive their funding from the state. In two states, the District of Columbia and Puerto Rico, through whom a charter school receives its funding is determined in a manner unique to the place.

- Fifteen states and the District of Columbia rely on standard funding formulas to determine the per-pupil funding level for charter schools. Fourteen states use the average school district or average state per-pupil expenditure to determine the per-pupil funding level for charter schools. In five states, how a charter school's per-pupil funding level is determined varies depending on the chartering authority. In three states, a charter school's per-pupil funding level is determined through negotiations between the charter school and the chartering authority. In one state and Puerto Rico, the per-pupil funding level for a charter school is determined in a manner unique to the place.
- In eight states and the District of Columbia, state start-up and/or planning grants are available to charter schools.
- Twenty-three states and the District of Columbia provide facilities funds or other facilities assistance to charter schools.
- Fourteen states specify who must provide transportation to charter school students. Three states do not specify who must provide transportation aid to charter school students, but instead provide funding to charter schools if they elect to transport their students.

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
Alaska	School district	100% of state and school district operations funding follows students, based on average school district per-pupil revenue, minus a portion for administrative costs, which are determined by applying an indirect cost rate approved by the state department of education	No	Yes; charter schools may operate in a vacant school district facility or any other facility if the local superintendent determines that it meets health and safety requirements	No
Arizona	For charter schools authorized by local school boards, from state department of education to county to school district to charter school; for other charter schools, from state department of education to state treasurer to charter school	For charter schools authorized by local school boards, funding may be negotiated and is specified in the charter; for other charter schools, funding is determined by the same base support level formula used for all of public schools	No; although authorizing legislation for a charter school stimulus fund remains in place, it is currently not funded	Yes; non-profit charter schools may apply for financing from Industrial Development Authorities; state department of education must annually publish a list of vacant and unused portions of buildings that are owned by the state or by school districts and that may be suitable for the operation of a charter school	No; however, charter schools receive funds earmarked for transportation at $174 per pupil
Arkansas	For conversion charter schools, school district;	A conversion charter school receives funds equal to the	No	No	No

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
	for open enrollment charter schools, state	amount apportioned by the school district from state and local revenue per average daily membership; an open enrollment charter school receives funds equal to the minimum state and local revenue per average daily membership			
California	Charter schools choose to receive their funds through the school district or the state	100% of state and school district operations funding follows students, based on average school district per-pupil revenue	Yes; the charter schools revolving loan fund allows charter schools to receive loans for as much as $250,000, allowing up to five years for repayment	Yes; the charter schools revolving loan fund allows charter schools to receive loans for as much as $250,000, allowing up to five years for repayment; a school district in which a charter school operates must permit a charter school to use, at no charge, facilities not currently being used by the school district for instructional or administrative purposes, or that have not been historically used for rental purposes; a lease aid funding program for charter schools in low-income areas provides up to $750 per student, and $5 million was appropriated for this program for the 2002-03 school year	No
Colorado	School district	A minimum of 95% of average per-pupil revenue follows the student; in school districts of 500 or fewer students, at least 85% of school district per-pupil revenue is guaranteed	No	Yes; capital construction funds have been appropriated and are provided to qualified charter schools in the amount of $332.40 per pupil to assist with capital construction needs; the Educational and Cultural Facility Authority may issue bonds on behalf of charter schools; if space is available in a school district facility, a charter school may not be charged for that space,	No

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
				although other costs for facilities operations and maintenance must be negotiated	
Connecticut	For conversions, called local charter schools, school district; for start-ups, called state charter schools, state	For local charter schools, specified in the charter; for state charter schools, 110% of state and school district operations funding follows students, based on average school district per-pupil revenue; however, funding is directly dependent on state's annual appropriation	No	No; however, charter schools may apply for low-interest loans from the Connecticut Health and Educational Facilities Authority	Yes; for students of a charter school residing in the school district in which the charter school is located, transportation must be provided by the school district unless other arrangements are made by the charter school
Delaware	State portion flows from state to charter school; school district portion flows from school district to charter school	100% of computed state funding based on state unit funding formula and 100% of local funding based on previous year per-pupil expenditure (in a student's school district of residence) follows students	No	Yes; school districts must make unused buildings available for charter schools and bargain in good faith over rent; state department of education and state department of administrative services must publish list of all vacant buildings owned by the state or school districts that may be suitable for charter schools	Yes; Provided by the school district, charter school or parents; if charter school provides transportation, it receives state transportation aid
District of Columbia	Mayor	100% of operations funding follows students, based on District of Columbia per-pupil formula	Yes; the New Charter School Fund provides start-up funds to charter schools	Yes; the amount is based on a five year moving average of capital funds available to the school system; the mayor and the District of Columbia government must give preference to charter schools with respect to the purchase, lease or contract for the use of certain facilities or properties	No; however, charter school students, like regular public school students, are eligible for reduced public transportation fares
Florida	School district	95% of state and school district operations funding follows students, based on average school district per-pupil revenue; fees for administrative services may not exceed 5% of total funding	No	Yes; the state provides a per-pupil payment on an annual basis to charter schools for their facilities costs in the amount of $835, $957.40 and $1,266.93 for elementary, middle and high schools; the state provides an	Yes; charter schools must provide transportation for all students residing within a reasonable distance of the charter school, and may enter into an agreement or contract with

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
				exemption from ad valorem taxes for facilities used to house charter schools, and provides for the cancellation of certain taxes on real property acquired by a charter school governing board; if a school district surplus facility or property is available, it must be provided for a charter school's use on the same basis as it is made available to other public schools in the school district	the school district, private provider, or parents for such provision
Georgia	School district	Negotiated with sponsor school district and specified in charter	Yes; $5,000 planning grants	No	No
Hawaii	State	As determined annually, based on per-pupil funding but all federal and other financial support for charter schools shall be no less than all for other public schools	No; however, the state department of education may provide a limited start-up and planning grant formulated by the auditor	No	No
Idaho	State	Per-student support; computation of support units for each charter school is calculated according to state law	No; however, the state does provide an advance against latter payments to assist the school with initial start-up costs	Yes; the state authorizes a charter school's board of directors to borrow money as a nonprofit corporation to finance the purchase of school building facilities; subject to the terms of such a contractual agreement, the board may use the facility as collateral for the loan	No; however, transportation support is paid to the charter school as provided in state law, and may be negotiated through contract with school district
Illinois	School district	Negotiated with sponsor school district and specified in charter, but not less than 75% or more than 125% of per-capita student tuition of school district in which charter school is located	Yes; charter school loan funds are available	Yes; a charter school may negotiate and contract with a school district, the governing body of a state college or university or public community college or any other public or for-profit or nonprofit private entity for the use of a school building	Yes; the school board of any school district that provides any school bus or conveyance for transporting pupils to and from the public schools must afford transportation, without cost, for children

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
					who attend a charter school, reside at least 1.5 miles from the school and reside on or along the highway constituting the regular route of such public school bus
Indiana	State	Charter schools receive 100% of the per-pupil funding that traditional schools receive	No	No	No; however, if a school district provides transportation services to a charter school, they may be provided at not more than one hundred three percent (103%) of the actual cost of the services
Kansas	School district	Discretion of school district	No	No	Yes; school districts must provide transportation for students who qualify for the free-lunch program and live two miles or more from the school, and may provide transportation for other students
Louisiana	For locally-approved charter schools, school district; for state-approved charter schools, state	For locally-approved charter schools, 100% of state and school district operation funding follows students, based on average school district per-pupil revenue; for state-approved charter schools, 100% of funding, in the amount of the average per-pupil revenue of their resident school district, directly from state; state-approved charters receive no school district funds	Yes; $3 million no-interest loan fund has been established by the state	Yes; school boards are directed to make unused facilities and their contents available to charter schools at fair market value, and for those buildings not constructed with school board money, at no cost to charter schools	No
Massachusetts	Commonwealth charters receive funding from each student's sending	100% of state and school district operations funding follows students	No	Yes; a facilities grant is available on a per-pupil basis to Commonwealth charters	Yes; charter schools must provide transportation for students living in the school district where the

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
	district; Horace Mann charters receive an agreed-upon budget allocation from their school board				charter school is located; regional charter schools are eligible for transportation reimbursement if transporting children residing in the designated municipalities of the region
Michigan	Chartering authority	100% of state and school district operations funding follows students, based on average school district per-pupil revenue, not to exceed a certain amount that rises from year to year based on state aid formula	No	No	No
Minnesota	State	State portion of operations funding follows students, based on average state per-pupil revenue; school district portion of operations funding does not follow students	Yes; $50,000 start-up grants are available	Yes; state grants are available for facility improvement; the state provides lease aid to charter schools in the amount of 90% of lease costs or $1,500 per-pupil; charter schools may lease space from public or private nonprofit, nonsectarian organizations; with approval of department of education, charter schools may lease space from for-profit and sectarian organizations	No; however, a charter school must notify the school district in which the charter school is located whether it will provide transportation for students; if the charter school elects to provide transportation for students in the school district, it receives state transportation aid
Mississippi	School district	100% of per-pupil funding	No; however, the state board of education may give charter schools special preference when allocating grant funds other than state funds for certain programs designed to improve local school performance	No	No

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
Missouri	School district	100% of state foundation formula entitlement per-pupil for the school district less the school district's per-pupil amount for revenue bond indebtedness; additional funding may be available for specific student populations	No	Yes; a school district may incur bonded indebtedness or take other measures to provide for physical facilities for charter schools that it sponsors or with which it contracts	No; however, charter schools are eligible for state transportation aid and are free to contract with the local school district or other entity for provision of such services
Nevada	State	100% of per-pupil funding	No; a revolving loan fund has been created, but no money has been appropriated	No	No
New Hampshire	School district	Minimum of 80% of school district's prior year average cost per pupil, as determined by state department of education, follows students to school; special education funding also follows students	No	Yes; charter schools may lease, through the school district, buildings that receive state school building aid	No
New Jersey	School district	90% of state-mandated minimum per-pupil spending	No	No	Yes; school districts must provide transportation
New Mexico	School district	Minimum of 98% of state and school district operations funding follows students, based on average school district per-pupil revenue	Yes; the legislature appropriates money to the charter school stimulus fund every year to assist conversion or start-up charter schools	No	No; however, charter schools must negotiate with school districts to provide transportation to eligible students
New York	School district	About two-thirds of per-pupil funding	No	Yes; the state must publish a list of vacant public buildings suitable	No

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
				for use by charter schools; the state defines charter schools as public agents that are eligible to obtain tax-exempt financing on their own' although authorizing legislation for a charter school stimulus fund has been enacted, the state has not provided monies to the fund	
North Carolina	State funds flow from state to charter school; local funds flow from school district to charter school	100% of state and school district operations funding follows students, based on average school district per-pupil revenue; special needs funding also follows the student	No	Yes; school districts are required to lease available public space to charter schools so long as it is economically viable; charter schools may lease space from sectarian organizations so long as sectarian symbols are removed; the North Carolina Educational Facilities Finance Authority may issue bonds on behalf of charter schools	Yes; charter schools must provide same transportation assistance as a school district; charter schools may contract with school districts for transportation services; the school district may reasonably charge the charter school for these services
Ohio	State	Formula for the county in which the charter school is located plus the cost of doing business and any special needs money	No	Yes; charter schools may negotiate with the school district to lease a public school facility	Yes; the school district must provide transportation to resident students attending a charter school within the school district, but is not required to provide transportation to resident students attending a charter school outside the school district
Oklahoma	School district	At least 95% of average daily expenditure	Yes; the state department of education administers the charter schools incentive fund for the purpose of providing financial support to charter school	Yes; the charter school incentive fund provides support for costs associated with renovating or remodeling existing buildings and structures for use by a charter school	Yes; the charter school is responsible for providing transportation, but only within boundaries of the school district where it is located

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
			applicants and charter schools for start-up costs		
Oregon	School district	For locally approved charter schools, at least 80% of the average daily membership for K-8 and 95% for 9-12; for state approved charter schools, 90% for K-8 and 95% for 9-12	No	No	Yes; transportation is the responsibility of the school district; however, a school district may not be required to add or change existing routes
Pennsylvania	School district	Relevant funding follows students, based on average school district per-pupil budgeted expenditure of the previous year; depending on the school district, a charter school's funding will be 70% to 82% of school district's per-pupil revenue; for regional charter schools and nonresident students, funds come from the school district of a student's residence; charter schools receive additional funding for special needs students, or may request the intermediate unit to assist in providing special-needs services at the same cost as provided to a school district's schools	Yes; planning and start-up grants are available	No	Yes; transportation for charter school students who live inside of the school district is provided in the same manner as for other public school students in the school district; transportation for charter school students who live outside of the school district is provided in the same manner as for nonpublic school students. If a school district does not provide the required transportation, the state department of education is authorized to deduct the expenses from the school district and pay it to the charter school
Puerto Rico	Education Reform Institute	Secretary of education determines the per-pupil funding level for charter schools	No	No	No
Rhode Island	The state share through the state, and the local share through the school district	100% of state and school district operations funding follows students, based on average school district per-pupil revenue minus 5% of the state share, which the school district retains	No; however, if federal funds are unavailable, the state allows for the establishment of a system of interest-	Yes; a school district may access aid for reimbursement of school housing costs for school district sponsored charter schools; charter schools not sponsored by a school district may apply for	No

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
		for administration and impact; charter school and school district negotiate cost of services that the charter school wants the school district to provide	free loans provided from state funds, not to exceed $150,000 to a single charter school	30% reimbursement of school housing cost on a need basis	
South Carolina	School district	100% of state and school district operations funding follows students, based on average school district per-pupil revenue	No	Yes; state department of education must publish list of vacant buildings owned by the state or by school districts	Yes; charter school must provide transportation plan
Texas	For school district-approved charters, school district; for open-enrollment charters, state	For district-approved charters, funding is negotiated with sponsor school district and specified in charter; for open-enrollment charters, 100% of state and school district operations and maintenance funding follows students, based on average school district per-pupil revenue	No; however, a corporation may issue bonds for charter schools, like all traditional primary or secondary schools	Yes; an approved bonding authority may issue bond to finance or refinance education facilities to be used by an authorized charter school	Yes; an open-enrollment charter school must provide transportation to each student attending the school to the same extent a school district is required by law to provide transportation to its students
Utah	The state share through the state, and the local share through the school district	On average, 75% of per-pupil funding follows the child; the school district in which a charter school student resides shall pay to the host school district one-half of the amount by which the resident school district's per-student expenditure exceeds the value of the state funding	No; however, state superintendent of public instruction may allocate grants for start-up and ongoing costs, although these grants are currently not funded	No; however, the state superintendent of public instruction is authorized to allocate grants for start-up and ongoing costs, although these grants are currently not funded	No
Virginia	School district	100% of per-pupil funding, with fees negotiated	No	Yes; no rent may be charged, and other fees are negotiable	No
Wisconsin	Chartering authority	The state department of education must pay the operator of the charter school an amount equal to the sum of the amount paid per pupil in the previous school year and the amount of revenue increase per pupil allowed in the current school year, multiplied by the number of	No	No	No

State	Through whom does a charter school receive its funding?	How is the per-pupil funding level for a charter school determined?	Are state start-up funds and/or planning grants available to charter schools?	Does the state provide facilities funds or other facilities assistance to charter schools?	Does the state specify who must provide transportation to charter school students?
		pupils attending the charter school			
Wyoming	School district	Guaranteed 95% of funding generated by the charter school's average daily membership, minus certain adjustments; 100% of major maintenance payments; any other funding is negotiated with the school district	No	Yes; if a school district deems it has available space, the charter school may use the space without having to pay rent for it	No

This *ECS StateNote* is part of a larger series called the "Collection of Charter Schools *ECS StateNotes*." As part of the "Collection of Charter Schools *ECS StateNotes*," ECS has also produced (to go to any of the following documents, please click onto either of the links for each document):

- Charter School Basics (HTML Version at http://www.ecs.org/clearinghouse/24/12/2412.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/12/2412.doc)
- Charter School Autonomy (HTML Version at http://www.ecs.org/clearinghouse/24/14/2414.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/14/2414.doc)
- Charter School Teachers (HTML Version at http://www.ecs.org/clearinghouse/24/15/2415.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/15/2415.doc)
- Charter School Accountability (HTML Version at http://www.ecs.org/clearinghouse/24/17/2417.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/17/2417.doc)

In compiling the information for these documents, we relied on the following resources:

- Each state's statutes and administrative codes concerning charter schools
- Interviews with state department of education officials, state legislative staff and state charter school association representatives
- "Charter School Laws, State by State" by the Center for Education Reform
- "The Charter School Roadmap" by the Education Commission of the States and the National Conference of State Legislatures

If you have any questions about this document, please contact Todd Ziebarth at 303-299-3652 or tziebarth@ecs.org.

This *ECS StateNote* was completed by Kirstin Craclun, research associate, Katy Anthes, policy analyst and Todd Ziebarth, policy analyst, ECS National Center on Governing America's Schools, with financial support from the Joyce Foundation.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

ECS StateNotes

Charter Schools

Education Commission of the **States**

Education Commission of the States 700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Charter School Legislation, 2001

This document presents charter school legislation that was enacted by state legislatures in their 2001 legislative sessions. If you have any questions about this document, please contact Todd Ziebarth at 303.299.3652 or tziebarth@ecs.org.

Overview

On May 2, 2001, Indiana's Governor signed Senate Bill 165 creating a charter school law in Indiana. Thirty-seven states, the District of Columbia, and Puerto Rico now have charter school laws.

In their 2001 legislative sessions, the following states enacted legislation to amend previously enacted charter school laws:

- Alaska, Arkansas, California, Colorado, Delaware, Hawaii, Idaho, Louisiana, Michigan, Mississippi, Nevada, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Texas, Utah, Virginia, Wyoming

In their 2001 sessions, the following states introduced legislation to either create a charter school law or amend previously enacted charter school laws. However, these states failed to pass such legislation:

- Arizona, Connecticut, Florida, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, Wisconsin

Charter School Legislation

Alaska
H.B. 101
Date-Intro: February 2, 2001
Last-Action: July 3, 2001; Signed by Governor.
Summary: Increases from 30 to 60 the number of charter schools that are allowed to operate in the state at any one time; makes clear that charter schools are subject to the high school competency exam; allows charter schools to receive a one-time start-up grant of up to $500 per student enrolled on October 1 of the year the grant is applied for.

Arkansas
S.B. 322
Date-Intro: January 30, 2001
Last-Action: February 28, 2001; Signed by Governor.
Summary: Amends the selection process for admission to a charter school in a school district under court ordered desegregation.

Arkansas
S.B. 478
Date-Intro: February 12, 2001

Last-Action: April 5, 2001; Signed by Governor.
Summary: Amends the charter school law to change the facility description, funding method, notice requirements, and for other purposes.

Arkansas
S.B. 688
Date-Intro: February 26, 2001
Last-Action: March 22, 2001; Signed by Governor.
Summary: Provides Searcy County and Charter School capital improvement appropriation; relates to the office of finance and administration.

Arkansas
S.B. 735
Date-Intro: February 26, 2001
Last-Action: March 22, 2001; Signed by Governor.
Summary: Relates to Gateway Alternative Charter School in Ponca capital improvement appropriations.

California
A.B. 620
Date-Intro: February 22, 2001
Last-Action: October 1, 2001; Signed by Governor. Chaptered by Secretary of State. Chapter No. 705
Summary: Establishes the High-Tech Schools Grant Program to provide grants to eligible school districts or charter schools for the purpose of establishing new high-tech high schools. Provides that the grant program be administered by the Secretary for Education, who would be required to award grants under the program on a competitive basis.

California
A.B. 1302
Date-Intro: February 23, 2001
Last-Action: October 1, 2001; Signed by Governor. Chaptered by Secretary of State. Chapter No. 394.
Summary: Delays the implementation of the Kindergarten Readiness Pilot Program until the 2002-2003 school year. Allows charter schools to participate in the program. Permits school districts to implement the program in selected schools or on a district-wide basis. Provides for funding of the program.

California
S.B. 675
Date-Intro: February 23, 2001
Last-Action: September 25, 2001; Chaptered by Secretary of State. Chapter No. 344.
Summary: Requires a charter school to transmit a copy of its annual, independent, financial audit report for the preceding fiscal year to its chartering entity and the State Department of Education by December 15 of each year. Provides that the charter school does not need to transmit the audit report if the school is encompassed in the audit of its chartering entity.

California
S.B. 740
Date-Intro: February 23, 2001
Last-Action: October 14, 2001; Chaptered by Secretary of State. Chapter No. 892.
Summary: Authorizes a charter school that has an approved charter to receive funding for nonclassroom-based instruction only if approved for funding pursuant to specified provisions by the Board of Education. Establishes the Charter School Facility Grant Program for the purpose of providing assistance with facilities rent and lease costs for pupils in charter schools. Requires that eligible schools receive a certain amount based on average daily attendance to reimburse up to 75% of facility costs.

California
S.B. 955
Date-Intro: February 23, 2001
Last-Action: October 7, 2001; Signed by Governor. Chaptered by Secretary of State. Chapter No. 586.
Summary: Makes instructional minute requirements in charter schools a condition of apportionment of state funds. Requires a reduction on apportionment caused by an exception to this requirement to be

proportional to the exception. Relates to computation of categorical block grants for charter schools. Prescribes funding transfers of school aid from basic aid districts to nonbasic aid districts for students attending a charter school in a district different that the district of residence.

California
A.C.R. 64
Date-Intro: April 25, 2001
Last-Action: May 11, 2001; Chaptered by Secretary of State. Resolution Chapter No. 42.
Summary: Proclaims April 30 through May 4, 2001, as California Charter Schools Week.

Colorado
H.B. 1163
Date-Intro: January 16, 2001
Last-Action: June 1, 2001: Signed by Governor.
Summary: Creates the Information Technology Education Grant Program; provides money to school districts and charter schools to use in integrating information technology education into secondary curriculum in public schools; creates a Information Technology Fund to fund such grants.

Colorado
H.B. 1232
Date-Intro: January 30, 2001
Last-Action: April 16, 2001; Signed by Governor.
Summary: Concerns plans to use the constitutionally mandated increase in State funding for public schools to be used for specific and accountable purposes to improve public schools such as class size, student achievement and charter school funding.

Colorado
H.B. 1272
Date-Intro: January 31, 2001
Last-Action: May 29, 2001; Signed by Governor.
Summary: Increases the State funding to schools for the 2001-02 school year; requires school districts to adopt a plan for use of such moneys; provides such plan to specify which schools receive what new textbooks, use the money first for new textbooks in certain subjects and pass along similar funding to charter schools.

Colorado
S.B. 129
Date-Intro: January 26, 2001
Last-Action: April 16, 2001; Signed by Governor.
Summary: Allows qualified charter schools to receive state funds for capital construction needs.

Colorado
S.B. 237
Date-Intro: April 26, 2001
Last-Action: May 30, 2001; Signed by Governor.
Summary: Concerns the capital construction needs of charter schools; provides that a portion of the proceeds from approved school district bond measures on or after a certain shall go to charter schools in amount determined by a proportioned ratio of the charter school's pupil enrollment in the grades that are served by one or more primarily situated noncharter public schools that will be constructed or maintained by the bond proceeds.

Delaware
S.B. 168
Date-Intro: May 3, 2001
Last-Action: July 12, 2001; Signed by Governor.
Summary: Clarifies ambiguity in the original charter school legislation. Provides a more appropriate means by which charter approving authorities can manage the charter school programs and more clearly defines the roles and responsibilities of those parties involved, including disciplinary issues, the effect of

expulsion and the role of the State Board in hearing disciplinary appeals. More clearly defines the criteria for charter approval.

Hawaii
H.B. 946
Date-Intro: January 25, 2001
Last-Action: June 2, 2001; Signed by Governor.
Summary: Relates to New Century Charter Schools; limits number of schools that may be established as New Century Charter Schools; pertains to members that must be included on the local school board.

Hawaii
S.C.R. 113
Date-Intro: March 15, 2001
Last-Action: April 27, 2001; Resolution Adopted.
Summary: Requests that the Legislative Reference Bureau study the funding regulation of New Century Charter Schools.

Idaho
H.B. 278
Date-Intro: February 15, 2001
Last-Action: March 22, 2001; Signed by Governor.
Summary: Authorizes advance payment of a portion of a charter school's estimated annual apportionment under specified conditions to help solve such school's cash flow problems.

Idaho
H.B. 294
Date-Intro: February 20, 2001
Last-Action: March 27, 2001; Signed by Governor.
Summary: Provides that a new or conversion charter school shall specify an attendance area for admission preference.

Idaho
H.B. 315
Date-Intro: February 22, 2001
Last-Action: April 4, 2001; Signed by Governor.
Summary: Authorizes grants within the scope of the School Safety and Health Revolving Loan Fund; restricts the qualification for loans; provides eligibility for grants and the method for determining the qualifying percentage; extends the scope of the Uniform School Building Safety Act to charter schools and certain schools operated by the state.

Idaho
S.B. 1038
Date-Intro: January 29, 2001
Last-Action: March 26, 2001; Signed by Governor.
Summary: Amends existing law to provide that the State Board of Education may review the effectiveness of charter schools and report to the Legislature.

Idaho
S.B. 1060
Date-Intro: February 2, 2001
Last-Action: March 20, 2001; Signed by Governor.
Summary: Amends existing law to require public charter schools to prepare and submit audit reports and to annually file financial and statistical reports with the State Department of Education.

Idaho
S.B. 1132
Date-Intro: February 12, 2001
Last-Action: March 20, 2001; Signed by Governor.

Summary: Provides for appeal of a decision not to approve a revision of the charter of a charter school.

Indiana
S.B. 165
Date-Intro: January 8, 2001
Last-Action: May 2, 2001; Signed by Governor.
Summary: Creates a charter school law. Allows local school boards, state universities and the mayor of Indianapolis to sponsor charter schools, and allows the conversion of an existing public school to a charter school if at least 67% of the teachers and 51% of the parents approve of the conversion. Requires teachers in a charter school to hold a license to teach in a public school or be participating in the state's transition-to-teaching program, and provides for collective-bargaining rights for charter school employees.

Louisiana
H.B. 794
Date-Intro: March 21, 2001
Last-Action: June 22, 2001; Signed by Governor.
Summary: Relates to requirements for enrolling at-risk pupils in certain charter schools in certain parishes.

Louisiana
H.B. 796
Date-Intro: March 21, 2001
Last-Action: June 21, 2001; Signed by Governor.
Summary: Exempts charter schools established for dependent children of military personnel from certain school enrollment requirements.

Louisiana
H.B. 1247
Date-Intro: March 26, 2001
Last-Action: June 28, 2001; Signed by Governor.
Summary: Requires charter schools that fail to open or that close for any reason to refund all cash on hand to the state or local school district.

Louisiana
H.B. 1255
Date-Intro: March 26, 2001
Last-Action: June 27, 2001; Signed by Governor.
Summary: Relative to adjustments in allocations made to Type 2 charter schools, authorizes the State Board of Elementary and Secondary Education to provide for a second pupil membership count.

Louisiana
H.B. 1282
Date-Intro: March 26, 2001
Last-Action: June 27, 2001; Signed by Governor.
Summary: Makes various changes to the charter school law relative to the chartering process, approval time lines, procedures for application and budget submission, funding adjustments and allocations, litigation costs, age requirements, and exemptions. Authorizes BESE to charge fees to Type 2 charter schools for auditing and other costs.

Louisiana
H.B. 1401
Date-Intro: March 26, 2001
Last-Action: May 22, 2001; Signed by Governor.
Summary: Permits, as provided for in a charter, a nonprofit organization to contract with a for-profit organization to manage the charter school and allows the delegation of authority over employment decisions at the charter school to the for-profit entity. Any such delegation must be specifically delegated in a service provider agreement.

Louisiana
S.C.R. 100

Date-Intro: May 7, 2001
Last-Action: June 15, 2001: Passed - Signed by the Speaker of House and the President of the Senate.
Summary: Requests the Board of Elementary and Secondary Education and the Department of Education to apply for federal grants
to assist charter schools.

Michigan
S.C.R. 30
Date-Intro: October 4, 2001
Last-Action: October 9, 2001; Passed both houses and recorded.
Summary: Creates a commission to review all aspects of public school academies in Michigan.

Mississippi
H.B. 545
Date-Intro: January 8, 2001
Last-Action: April 7, 2001; Signed by Governor.
Summary: Reenacts sections which establish the procedure for local public schools to apply for and be granted charter school status.

Nevada
A.B. 214
Date-Intro: February 22, 2001
Last-Action: May 31, 2001; Signed by Governor.
Summary: Requires the Department of Education and each school district to adopt a plan setting forth procedures concerning the security of certain examinations; prohibits retaliatory action against an official of a school district or charter school who discloses information regarding irregularities in testing administration or security; providing that a teacher or administrator who intentionally fails to carry out test security is subject to disciplinary action.

Nevada
S.B. 2A
Date-Intro: June 14, 2001
Last-Action: June 15, 2001; Signed by Governor
Summary: Makes an appropriation to the Interim Finance Committee for certain contractual services related to the financial reporting of school districts and charter schools.

Nevada
S.B. 243
Date-Intro: February 26, 2001
Last-Action: May 31, 2001; Signed by Governor.
Summary: Revises provisions governing the reemployment of employees of a charter school by a school district; provides that a certain percentage of the apportionment from the state distributive school account must be set aside and paid to the school district that sponsors the charter school for certain administrative costs.

Nevada
S.B. 289
Date-Intro: March 7, 2001
Last-Action: May 31, 2001; Signed by Governor.
Summary: Relates to schools; requires the board of trustees of each school district and the governing body of each charter school and private school to establish a committee to develop a plan to be used in responding to certain crises involving violence on school property, at school activities or on school buses; requires each school to establish a committee to review plan; requires the state board of education to develop a statewide plan for the management of certain crises that involve violence at school.

Nevada
S.B. 399
Date-Intro: March 19, 2001
Last-Action: June 15, 2001; Signed by Governor.

Summary: Revises provisions governing charter schools; authorizes boards of trustees of school districts and governing bodies of charter schools to provide programs of distance education for certain pupils; requires the state board of education to adopt regulations prescribing the requirements of programs of distance education; revises provisions governing the apportionments of money for pupils who are enrolled in programs of distance education; makes certain provisions related to collective bargaining.

New Mexico
H.B. 753
Date-Intro: February 13, 2001
Last-Action: April 6, 2001; Signed by Governor.
Summary: Relates to charter school transportation limitations.

New York
A.B. 8898
Date-Intro: May 23, 2001
Last-Action: August 10, 2001; Signed by Governor.
Summary: Provides for the conditional appointment of employees of school districts, charter schools or boards of cooperative educational services conditioned upon the security clearance by the Commissioner of Education; provides such appointments may not exceed 90 days duration.

North Carolina
S.B. 139
Date-Intro: February 14, 2001
Last-Action: November 16, 2001; Signed by Governor. Session Law Number 462.
Summary: Permits local flexibility with regards to the hiring of teachers who leave public schools to teach in charter schools.

Oregon
H.B. 3395
Date-Intro: March 6, 2001
Last-Action: July 19, 2001; Signed by Governor.
Summary: Prohibits charter school employees from serving on district's school board; directs the State Board of Education to grant waiver of public charter school laws upon joint application of school and district school board; prohibits public charter school employees from allowing infliction of corporal punishment; provides for addition of poverty weighting factor for purposes of public charter school funding.

Oregon
S.B. 255
Date-Intro: January 9, 2001
Last-Action: June 15, 2001; Signed by Governor.
Summary: Changes criteria that State Board of Education may use to reject public charter school proposal during review process.

Pennsylvania
S.B. 485
Date-Intro: February 15, 2001
Last-Action: June 22, 2001; Signed by Governor. Act No. 35 of 2001.
Summary: Amends Public School Code. Provides for school districts, public schools providing Internet instruction, national assessment tests, school director relations with districts, management reports, distressed districts, equipment, duty to employ qualified professionals, continuing development, proof of residency, tuition costs, agricultural education, charter school funding, community collage dissolution, retirement plans, vocational schools, basic education and other like issues.

Texas
H.B. 6
Date-Intro: February 14, 2001
Last-Action: June 17, 2001; Filed without signature by the Governor.

Summary: Relates to open-enrollment charter schools; clarifies the purpose of regional education service centers; pertains to performance standards and indicators.

Texas
H.C.R. 328
Date-Intro: May 27, 2001
Last-Action: June 14, 2001; Signed by Governor.
Summary: Instructs the enrolling clerk of the house to make technical corrections to H.B. 3343 relating to charter schools.

Texas
H.C.R. 332
Date-Intro: May 27, 2001
Last-Action: June 17, 2001; Filed without signature by the Governor.
Summary: Instructs the enrolling clerk of the house of representatives to make technical corrections to H.B. No. 6; relates to the funding of charter schools.

Utah
S.B. 169
Date-Intro: January 29, 2001
Last-Action: March 19, 2001; Signed by Governor.
Summary: Relates to Charter School amendments; removes the pilot program status of charter schools.

Virginia
H.B. 2439
Date-Intro: January 10, 2001
Last-Action: March 20, 2001; Signed by Governor.
Summary: Relates to charter schools; clarifies that, prior to receiving applications for any public charter school, a local school board must provide public notice of its intent to accept or not to accept applications for public school charters and may, upon providing such notice, alter its decision to accept or not accept such applications; strikes the current and obsolete date for boards to indicate their intent to accept or reject charter school applications.

Virginia
S.B. 1393
Date-Intro: January 19, 2001
Last-Action: March 20, 2001; Signed by Governor.
Summary: Clarifies that local school boards indicating their intent to accept or reject charter schools' applications by certain date may alter such decision at a subsequent date.

Wyoming
S.B. 96
Date-Intro: January 12, 2001
Last-Action: March 5, 2001; Signed by Governor.
Summary: Relates to charter schools; establishes an application process for charter schools as specified; eliminates petition requirements; establishes s separate application process for converting existing public schools into charter schools; provides for State Board review of district board action; clarifies charter school employee employment status for salary, benefit and retirement purposes.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

StateNotes

Charter Schools

Education Commission of the States

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Charter School Teachers

First Completed in April 2001
Last Updated in March 2002

Overview

This *ECS StateNote* examines policies across the states dealing with charter school teachers and answers the following questions:

- Do teachers in a charter school have to be certified?
- What sets teacher salaries?
- Does the state require school districts to grant teachers a leave of absence to teach in a charter school?
- Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?
- Are charter schools bound by school district collective bargaining agreements?

Summary

Based on the information in this *ECS StateNote*:

- In 21 states and Puerto Rico, all of the teachers in a charter school have to be certified. In 11 states, at least a portion of a charter school's teaching force has to be certified. In 5 states and the District of Columbia, no teachers in a charter school have to be certified.

- In 24 states and the District of Columbia, charter schools set teacher salaries. In 10 states, collective bargaining agreements set teacher salaries. In 3 states, the primary decisionmaker for teacher salaries varies. In Puerto Rico, the statewide salary schedule sets teacher salaries.
- Twenty-one states and the District of Columbia require school districts to grant teachers a leave of absence to teach in a charter school.
- In 33 states and Puerto Rico, teachers in each of a state's charter schools have equal access to the public school teachers' retirement system. In 4 states and the District of Columbia, only teachers in certain charter schools have equal access to the public school teachers' retirement system.
- In 17 states, the District of Columbia and Puerto Rico, charter schools are not bound by school district collective bargaining agreements. In nine states, charter schools are bound by school district collective bargaining agreements. In 11 states, whether a charter school is bound by school district collective bargaining agreements varies by type of charter school.

State	Do teachers in a charter school have to be certified?	What sets teacher salaries?	Does the state require school districts to grant teachers a leave of absence to teach in a charter school?	Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?	Are charter schools bound by school district collective bargaining agreements?
Alaska	Yes	Collective bargaining agreement	No	Yes	Yes
Arizona	No	Charter school	Yes; up to three years	Yes	No; a charter school's teachers may remain covered by the school district's collective bargaining agreement, negotiate as a separate unit with the charter school governing body or work independently
Arkansas	Yes, unless a waiver is granted in the charter	Varies; for conversion charter schools, the existing salary schedule, although they can be waived in the charter; for open enrollment charter schools, the charter school	No	Yes	Yes
California	Yes	Charter school	No	Yes	No; a charter school's teachers have the same option to form a union as other state employees; they may remain covered by the school district's collective bargaining agreement, negotiate as a separate unit with the charter school governing body

State	Do teachers in a charter school have to be certified?	What sets teacher salaries?	Does the state require school districts to grant teachers a leave of absence to teach in a charter school?	Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?	Are charter schools bound by school district collective bargaining agreements?
					or work independently; if they are independent, they are generally subject to the state's education labor laws
Colorado	Yes, unless a waiver is granted in the charter	Charter school	Yes; up to three years	Yes	No; a charter school's teachers may remain covered by the school district's collective bargaining agreement, negotiate as a separate unit with the charter school governing body or work independently
Connecticut	At least 50% of a charter school's teachers must have standard certification, and up to 50% of teachers in a charter school may have alternative certification or temporary certification and be working toward standard certification	For local charter schools, collective bargaining agreements; for state charter schools, the charter schools	Yes; up to four years	Yes	A local charter school's teachers are covered by the school district collective bargaining agreement, but such agreement may be modified by a majority of charter school teachers and the charter school governing council; a state charter school's teachers may negotiate as a separate unit with charter school governing council or work independently
Delaware	Yes, with exceptions	Charter school	Yes; up to two years	Yes	No; a charter school's teachers are not covered by school district collective bargaining agreements; they may negotiate as a separate unit with charter school governing body or work independently
District of Columbia	No	Charter school	Yes; two years, with an unlimited number of two-year extensions possible	Yes, if they transfer from a public school; Otherwise, no	No
Florida	Yes	Charter school	No	No; only if the charter school is organized as a public employer	No; a charter school's teachers may remain covered by the school district's collective bargaining agreement, negotiate as a separate unit with the charter school governing body or work independently
Georgia	No	Charter school	No	Yes	No

State	Do teachers in a charter school have to be certified?	What sets teacher salaries?	Does the state require school districts to grant teachers a leave of absence to teach in a charter school?	Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?	Are charter schools bound by school district collective bargaining agreements?
Hawaii	Yes	Collective bargaining agreement	No; charter school teachers remain employees of the statewide district	Yes	Yes
Idaho	Yes	Charter school	No	Yes	No; staff of the charter school are considered a separate unit for purposes of collective bargaining
Illinois	Charter schools may employ non-certified teachers if they have a bachelor's degree, five years' experience in the area of degree, a passing score on state teacher tests and evidence of professional growth; mentoring must be provided to uncertified teachers	Charter school	Yes; up to five years	Yes	No; a bargaining unit of charter school employees shall be separate and distinct from any bargaining units formed from employees of a school district in which the charter school is located
Indiana	Teachers must either be certified or be in the process of obtaining a license to teach through the Transition to Teaching program; for those in the Transition to Teaching program, licenses must be obtained within three years of beginning to teach at a charter school	Collective bargaining agreement	Yes; a local school board must grant a transfer of up to two years and may grant a transfer for longer than two years to teach at a start-up charter school	Yes	A conversion charter school's teachers are bound by collective bargaining agreements, but they may seek waivers from the agreements; a start-up charter school's teachers may negotiate as a separate unit with charter school governing council or work independently
Kansas	Yes	Collective bargaining agreement	No	Yes	Yes; a charter school's teachers remain covered by the school district collective bargaining agreement, although a waiver may be granted if specified in

State	Do teachers in a charter school have to be certified?	What sets teacher salaries?	Does the state require school districts to grant teachers a leave of absence to teach in a charter school?	Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?	Are charter schools bound by school district collective bargaining agreements?
					charter
Louisiana	Up to 25% of a charter school's teachers may be non-certified if they meet other specific requirements	Collective bargaining agreement	Yes; up to three years	Yes	Yes; a charter school's teachers are covered by the school district collective bargaining agreement, unless exemption is negotiated with sponsor and specified in charter
Massachusetts	Yes; teachers hired after August 2000 must have Massachusetts teacher certification or have successfully passed the state's teacher certification exam.	Charter school	Yes; up to two years	Yes	Horace Mann charters remain bound by school district collective bargaining agreements, but may negotiate certain provisions; Commonwealth charters are not bound by these agreements
Michigan	Yes; however, a faculty at a university or community college may teach in a charter school sponsored by that institution	Charter school	No	No; employees hired by charter school board are eligible for state retirement benefits; employees hired by for-profit corporation contracting with a charter school are not	Teachers in charter schools authorized by local school boards are covered by school district collective bargaining agreement; other charter school teachers are not, and may negotiate as a separate unit with charter school governing body or work independently

State	Do teachers in a charter school have to be certified?	What sets teacher salaries?	Does the state require school districts to grant teachers a leave of absence to teach in a charter school?	Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?	Are charter schools bound by school district collective bargaining agreements?
Minnesota	Yes	Charter school	Yes; no limit on the number of years	Yes	No; a charter school's teachers may negotiate as separate unit with charter school governing body or work independently; a charter school's bargaining unit may remain part of the school district unit if teachers, the charter school governing board, the local school board and the teachers' union in the school district agree
Mississippi	Yes	Collective bargaining agreement	No	Yes	Yes
Missouri	Up to 20% of full-time equivalent instructional staff may be filled by non-certified personnel	Charter school	No	Yes	No
Nevada	Up to 30% of instructional staff may be non- licensed personnel	Collective bargaining agreement	Yes; up to six years	Yes	Yes; school district collective bargaining agreements apply to charter school employees who are on a leave of absence from the school district; the agreements apply to these employees for the first three years of their leave of absence
New Hampshire	At least 50% of a charter school's teacher staff must be certified or have three years' teaching experience	Charter school	No	Yes	No; any teacher may choose to be an employee of a charter school, in which case such teacher shall have the rights of a teacher in public education to join or organize collective bargaining units
New Jersey	Yes	Collective bargaining agreement	Yes; up to three years	Yes	Teachers in converted public schools are covered by school district collective bargaining agreement; teachers in starts-ups may remain covered by school district collective bargaining agreement, negotiate as a separate unit with charter school governing board or work independently
New Mexico	Yes	Charter school	Yes; one year and may be renewed up to two years	Yes	No
New York	Up to 30% or five	Charter school	Yes; up to two	Yes	Charter schools enrolling up to 250 students in the

State	Do teachers in a charter school have to be certified?	What sets teacher salaries?	Does the state require school districts to grant teachers a leave of absence to teach in a charter school?	Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?	Are charter schools bound by school district collective bargaining agreements?
	teachers are permitted to have other credentials, and non-certified teachers must meet specified criteria		years		first year are exempt (and they remain so), and charter schools with enrollment larger than 250 must comply
North Carolina	Up to 25% of teachers in elementary charter schools and 50% in secondary charter schools may be uncertified	Charter school	Yes; one year	Yes	For charter schools sponsored by local school board, teachers remain subject to school district work rules unless they negotiate to work independently; for all other charter schools, teachers are not subject to school district work rules
Ohio	Yes	Collective bargaining agreement or charter school, depending on bargaining unit	Yes; a minimum of three years	Yes	For start-ups, teachers may work independently or form a collective bargaining unit; conversions are subject to a school district's collective bargaining agreement, unless a majority of the charter school's teachers petition to work independently or form their own unit
Oklahoma	Yes, unless a waiver is granted in the charter	Charter school	Yes; three years with school district approval	Yes	No; however, charter school may choose to be a part of the collective bargaining agreement
Oregon	At least one-half of a charter school's teachers must be licensed by the Teacher Standards and Practices Commission (TSPC), and the non-TSPC-licensed staff must be registered by TSPC	Charter school	Yes; a minimum of two years	Yes	No; however, a charter school's teachers may participate in collective bargaining units either independently or as a charter unit; also, if a school board is not the sponsor of the charter school, the school board is not the employer of the employees of the charter school and the school board cannot collectively bargain with the employees of the charter school
Pennsylvania	Up to 25% of teachers may be non-certified	Charter school	Yes; up to five years	Yes	No; however, a charter school's staff may bargain collectively, but not as part of the school district's collective bargaining unit

State	Do teachers in a charter school have to be certified?	What sets teacher salaries?	Does the state require school districts to grant teachers a leave of absence to teach in a charter school?	Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?	Are charter schools bound by school district collective bargaining agreements?
Puerto Rico	Yes	Statewide salary schedule	No	Yes	No
Rhode Island	Yes	Collective bargaining agreement	Yes; two years	Yes	Yes; a charter school's teachers are covered by school district collective bargaining agreement
South Carolina	Up to 10% of teachers in conversions and 25% in start-ups may be non-certified	Charter school	Yes; up to five years	Yes	For conversions, a charter school's teachers remain covered by school district employment policy; for start-ups, a charter school's teachers may remain covered by school district employment policy, negotiate as separate unit with charter school governing body or work independently
Texas	No	Charter school	No	Yes	Teachers at school-district approved charter schools are school district employees; teachers at open-enrollment charter schools work independently
Utah	A charter school's teachers are required to either hold certification or have demonstrated competency under alternative programs	Charter school	No; however, an employee of a school district may request a leave of absence in order to work in a charter school upon approval of the local school board	No; access is negotiated, and while on leave, the employee may retain seniority accrued in the school district and may continue to be covered by the benefit program of the school district if the charter school and the school district mutually agree	No
Virginia	Yes	Collective bargaining	No	Yes	Yes

State	Do teachers in a charter school have to be certified?	What sets teacher salaries?	Does the state require school districts to grant teachers a leave of absence to teach in a charter school?	Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?	Are charter schools bound by school district collective bargaining agreements?
		agreements			
Wisconsin	Yes; however, if search for licensed teachers is unsuccessful, a special charter school license is available for persons with a bachelor's degree in their field who take six credits of training each year and are supervised by a teacher with a regular license	Charter school	No	No; retirement benefits extend only to charter school teachers whose charters are part of a school district	In charter schools that are part of a school district, yes; in other charter schools, no
Wyoming	Yes	Charter school	Yes; up to three years; after three years, the school district must determine the relationship between the school district and the teacher	Yes	No

This *ECS StateNote* is part of a larger series called the "Collection of Charter Schools *ECS StateNotes*." As part of the "Collection of Charter Schools *ECS StateNotes*," ECS has also produced (to go to any of the following documents, please click onto either of the links for each document):

- Charter School Basics (HTML Version at http://www.ecs.org/clearinghouse/24/12/2412.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/12/2412.doc)
- Charter School Finance (HTML Version at http://www.ecs.org/clearinghouse/24/13/2413.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/13/2413.doc)
- Charter School Autonomy (HTML Version at http://www.ecs.org/clearinghouse/24/14/2414.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/14/2414.doc)

- Charter School Accountability (HTML Version at http://www.ecs.org/clearinghouse/24/17/2417.htm or Microsoft Word Version at http://www.ecs.org/clearinghouse/24/17/2417.doc)

In compiling the information for these documents, we relied on the following resources:

- Each state's statutes and administrative codes concerning charter schools
- Interviews with state department of education officials, state legislative staff and state charter school association representatives
- "Charter School Laws, State by State" by the Center for Education Reform
- "The Charter School Roadmap" by the Education Commission of the States and the National Conference of State Legislatures

If you have any questions about this document, please contact Todd Ziebarth at 303-299-3652 or tziebarth@ecs.org.

This *ECS StateNote* was completed by Kirstin Craciun, research associate, Katy Anthes, policy analyst and Todd Ziebarth, policy analyst, ECS National Center on Governing America's Schools, with financial support from the Joyce Foundation.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

ECS StateNotes

Choice

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

School Choice: State Actions

Most Recently Updated in December 2001

Parental choice of schools is one of today's most discussed public education issues. "Choice" as a descriptor takes on several meanings. Narrow use of the word (e.g., assuming that choice equals only open enrollment or vouchers) often confuses the debate. In this document, the Education Commission of the States (ECS) uses "choice" as a broad descriptor covering many different ideas, including:

Charter schools:

- Charter schools are semi-autonomous public schools, founded by educators, parents, community groups or private organizations that operate under a written contract with a state, district or other entity. This contract, or charter, details how the school will be organized and managed, what students will be taught and expected to achieve, and how success will be measured. Many charter schools enjoy freedom from rules and regulations affecting other public schools, as long as they continue to meet terms of their charters. Charter schools can be closed for failing to satisfy these terms.

Open enrollment:

- "Interdistrict" open enrollment programs allow choice of public schools across district boundaries.
- "Intradistrict" open enrollment programs allow choice of public schools within district boundaries.
- "Mandatory" open enrollment programs require districts within a state to participate in the program, often given that space is available in the district.
- "Voluntary" open enrollment programs allow districts to choose whether to participate, often given that space is available in the district.

Publicly funded vouchers:

- A publicly funded voucher is a payment the government makes to a parent, or an institution on a parent's behalf, to be used for a child's education expenses.

Tax credits:

- A tax credit provides direct reductions to an individual's tax liability. For example, Jack owes $1,000 in income taxes. He is eligible, however, for a given state's $500 tax credit. He subtracts the $500 tax credit from the $1,000 tax liability, and now owes $500 in income taxes.

Tax deductions:

- A tax deduction is a reduction in taxable income made prior to the calculation of tax liability. For instance, Jill has a taxable income of $100,000. She, however, is eligible for a given state's $1,500 tax deduction. She subtracts the $1,500 from her income of $100,000, and now has $98,500 in taxable income.

Dual/concurrent enrollment:

- Dual/concurrent enrollment programs allow secondary school students to enroll in postsecondary courses and apply course credit at the secondary school, a postsecondary institution or both.
- "Comprehensive" dual/concurrent enrollment programs meet two or more of the following criteria: students pay minimal or no tuition and fees, both secondary and postsecondary credit is earned for postsecondary courses and few course restrictions exist.
- "Limited" dual/concurrent enrollment programs meet one or more of the following criteria: students pay tuition costs of postsecondary classes, there are more academic credit restrictions and there are stringent criteria on eligible courses.

State	Charter School Law[1]	Number of Charter Schools[2]	Open Enrollment Law(s)[3]	Publicly Funded Voucher Law[4]	Tax Credit/ Tax Deduction Law[5]	Dual/Concurrent Enrollment Law[6]
Alabama	-	-	-	-	-	-
Alaska	X	16	-	-	-	X (Limited)
Arizona	X	437	X (Interdistrict/Mandatory)	-	X (Tax Credits)[7]	X (Limited)
Arkansas	X	7	X (Intradistrict and Interdistrict/Voluntary)	-	-	X (Limited)
California	X	350	X (Intradistrict/Mandatory) X (Interdistrict/Voluntary)	-	-	X (Comprehensive)
Colorado	X	88	X (Interdistrict/Mandatory)			X (Comprehensive)
Connecticut	X	16	X (Intradistrict/Voluntary) X (Intradistrict and Interdistrict/Voluntary) X (Interdistrict/Mandatory)[8]	-	-	X (Limited)
Delaware	X	11	X (Intradistrict/Mandatory) X (Interdistrict/Mandatory)	-	-	X (Comprehensive)
District of Columbia	X	42	-	-	-	-
Florida	X	182	X (Interdistrict/Voluntary)	X[9]	X (Tax Credits)[10]	X (Comprehensive)
Georgia	X	46	-	-	-	X (Comprehensive)
Hawaii	X	22	-	-	-	-
Idaho	X	11	X (Intradistrict and Interdistrict/Voluntary)	-	-	X (Comprehensive)
Illinois	X	28	-	-	X (Tax Credits)[11]	X (Limited)
Indiana	X	0	X (Intradistrict/Mandatory)[12] X (Interdistrict/Voluntary)	-	-	X (Limited)
Iowa	-	-	X (Interdistrict/Mandatory)	-	X (Tax Credits)[13]	X (Comprehensive)
Kansas	X	28	-	-	-	X (Limited)
Kentucky	-	-	-	-	-	X (Limited)
Louisiana	X	26	X (Interdistrict/Voluntary)	-	-	X (Limited)
Maine	-	-	X (Interdistrict/Voluntary)	X[14]	-	X (Comprehensive)
Maryland	-	-	-	-	-	X (Limited)
Massachusetts	X	43	X (Interdistrict/Voluntary) X (Interdistrict/Voluntary)[15]	-	-	X (Comprehensive)
Michigan	X	188	X (Interdistrict/Voluntary)	-	-	X (Comprehensive)
Minnesota	X	77	X (Interdistrict/Mandatory)	-	X (Tax Credits[16] and Tax Deductions)[17]	X (Comprehensive)
Mississippi	X	1	-	-	-	X (Comprehensive)
Missouri	X	21	X (Interdistrict/Voluntary) X (Interdistrict/Voluntary)[18]	-	-	X (Limited)
Montana	-	-	-	-	-	X (Limited)
Nebraska	-	-	X (Interdistrict/Mandatory)	-	-	X (Limited)
Nevada	X	9	-	-	-	X (Limited)
New Hampshire	X	0	X (Intradistrict and Interdistrict/Voluntary)	-	-	X (Limited)
New Jersey	X	57	X (Interdistrict/Voluntary)	-	-	X (Comprehensive)
New Mexico	X	21	X (Intradistrict and Interdistrict/Voluntary)	-	-	X (Comprehensive)
New York	X	32	X (Interdistrict/Voluntary)	-	-	X (Limited)
North Carolina	X	96	-	-	-	X (Comprehensive)
North Dakota	-	-	X (Interdistrict/Voluntary)	-	-	X (Limited)
Ohio	X	69	X (Intradistrict/Mandatory) X (Interdistrict/Voluntary)	X[19]	-	X (Comprehensive)
Oklahoma	X	9	X (Interdistrict/Mandatory)	-	-	X (Limited)
Oregon	X	17	-	-	-	X (Comprehensive)

State	Charter School Law[1]	Number of Charter Schools[2]	Open Enrollment Law(s)[3]	Publicly Funded Voucher Law[4]	Tax Credit/ Tax Deduction Law[5]	Dual/Concurrent Enrollment Law[6]
Pennsylvania	X	78	-	-	X (Tax Credits)[20]	X (Limited)
Puerto Rico	X	NA[21]	X (Intradistrict and Interdistrict/Mandatory)	-	X (Tax Credits)[22]	X (Limited)
Rhode Island	X	6	-	-	-	X (Limited)
South Carolina	X	9	-	-	-	X (Limited)
South Dakota	-	-	X (Intradistrict and Interdistrict/Mandatory)	-	-	X (Limited)
Tennessee	-	-	X (Intradistrict and Interdistrict/Voluntary)	-	-	X (Limited)
Texas	X	219	X (Intradistrict/Voluntary) X (Interdistrict/Voluntary)	-	-	X (Limited)
Utah	X	9	X (Intradistrict/Mandatory) X (Interdistrict/Mandatory)	-	-	X (Comprehensive)
Vermont	-	-	-	X[23]	-	X (Limited)
Virginia	X	5	-	-	-	-
Washington	-	-	X (Intradistrict/Mandatory) X (Interdistrict/Mandatory)	-	-	X (Comprehensive)
West Virginia	-	-	X (Intradistrict/Voluntary) X (Interdistrict/Voluntary)	-	-	X (Comprehensive)
Wisconsin	X	95	X (Interdistrict/Mandatory) X (Intradistrict and Interdistrict/Voluntary)[24]	X[25]	-	X (Comprehensive)
Wyoming	X	0	X (Interdistrict/Voluntary)	-	-	X (Limited)

NOTES

1. States with charter school laws as of December 2001.
2. Number of charter schools open as of fall 2001. The total number is 2,343. [Source: Center for Education Reform]
3. Most states have enacted laws that accommodate the attendance needs of students. In this StateNote, however, we have only included those states with laws as of December 2001 that encourage and support enrollment in public schools of choice.
4. States with publicly funded voucher laws as of December 2001.
5. States that provide for income tax credits and/or income tax deductions for various education-related expenses as of December 2001.
6. States that allow secondary school students to enroll in postsecondary courses and apply course credit at the secondary school, a postsecondary institution or both as of December 2001.
7. Arizona law allows residents to claim an income tax credit of $500 for their donations to charitable organizations providing scholarships to children to attend private or religious school. The law also allows residents to claim an income tax credit for up to $200 of activity fees at Arizona public schools. Arizona's tax credit law was challenged in court. In January 1999, the Arizona Supreme Court ruled that the law does not violate state and federal constitutional prohibitions against government aid to religion. This decision was appealed to the U.S. Supreme Court. In October 1999, the U.S. Supreme Court declined to review the case, thus allowing the Arizona Supreme Court's ruling that the program is constitutional to stand.
8. In the 1998-1999 school year, Connecticut began phasing in an open enrollment program. By the 2001-2002 school year, the program shall be in operation in every priority school district in the state, as well as in those school districts in the area of a priority school district as determined by the regional educational service center.
9. Florida lawmakers passed the first statewide voucher program in the nation during their 1999 session. Under the enacted legislation, each public school receives a grade, from A to F. Top-performing and

improving schools receive additional state funding. If a school receives an F in two out of four years, the students at such a school may receive an opportunity scholarship worth at least $4,000, and use the scholarship to attend a higher-scoring public school, a private school or a parochial school. Private and parochial schools that accept these students are prohibited from collecting additional tuition, and are barred from requiring these students to participate in religious instruction, prayer or worship. As of the 1999-2000 school year, two schools have received an F in two out of four years, and 119 students are using opportunity scholarships to attend a higher-scoring public school, a private school or a parochial school. Florida's voucher program is being challenged in court.

10. In 2001, Florida policymakers enacted legislation granting a tax credit for corporations that donate money to scholarship funding organizations. The bill requires scholarship funding organizations to use 100% of such contributions for scholarships for children who qualify for the federal free or reduced lunch program. Scholarships may be used to cover tuition or textbook expenses for, or transportation to, an eligible nonpublic school or transportation expenses to a public school that is located outside the district in which the student resides. The amount cannot exceed $3,500 for a scholarship awarded to a student enrolling in an eligible nonpublic school and $500 for a scholarship awarded to a student enrolling in a public school that is located outside the district in which the student resides. Corporations may not contribute more than $5,000,000 to any single scholarship funding organization, and the amount of the tax credit may not exceed 75% of a corporation's tax due for the taxable year. The total amount of tax credits cannot exceed $50,000,000 per fiscal year, and at least 5% of the total statewide amount authorized for the tax credit is reserved for corporations who meet the definition of a small business.

11. In 1999, Illinois lawmakers enacted legislation granting tax credits to parents of children in public, private or parochial schools. Under the law, parents may reduce their state income tax bill by 25% of whatever they spend for their children's tuition, books and lab fees. In order to be eligible for the tax credit, parents must spend at least $250, and the tax credit may not exceed $500 per family. Illinois' tax credit program is being challenged in court.

12. Indiana law requires the Indianapolis school district to offer a parental choice program that allows parents the opportunity to choose the school within the school district that the parents' child will attend.

13. Iowa law allows parents to claim a tax credit of up to 25% of the first $1,000 for each dependent's acceptable education expenses, which now include public school extracurricular activities.

14. If no public school exists to serve secondary school students, Maine allows districts to send students to private schools and pay their tuition.

15. Massachusetts policymakers have enacted an interdistrict, voluntary open enrollment law to eliminate racial imbalance and an interdistrict, voluntary open enrollment law to encompass students who are not participating in the open enrollment program to eliminate racial imbalance.

16. Minnesota law permits a refundable tax credit of up to $1,000 per student or $2,000 per family for families with incomes under $33,500. The maximum credit per child is reduced by $1.00 for each $4.00 of household income over $33,500, and the maximum credit per family is reduced by $2.00 for each $4.00 of household income over $33,500, but in no case is the credit less than zero. No credit is allowed for education-related expenses for claimants with income greater than $37, 500. Eligible education expenses include textbooks, transportation, computer hardware and education software costs up to $200, summer camps and summer school. It does not cover the cost of tuition.

17. Minnesota law permits families to take a tax deduction for school expenses, even if their children attend a private or parochial school. The tax deduction ranges from $1,625 per child in kindergarten through 6th grades to $2,500 per child in 7th through 12th grades. Deductible expenses include tuition, textbooks, transportation, academic summer camps, summer school and personal computer and education software costs up to $200.

18. Missouri policymakers have enacted an interdistrict, voluntary statewide open enrollment law, although it does not apply to any district in a county of the first classification having a charter form of government or to any district within the city of St. Louis. They have also enacted an interdistrict, voluntary open enrollment law for the St. Louis metropolitan area.

19. In 1995, Ohio policymakers created a pilot scholarship/voucher program in Cleveland. As of the 2000-2001 school year, 3,678 students in grades K-7 were participating in the program, although up to

4,000 are allowed to participate. Ohio's program was challenged in court. In May 1999, the Ohio Supreme Court ruled that the Cleveland program was unconstitutional, but only on a technical issue. According to the court, the program was improperly enacted by the legislature, when it approved the original voucher legislation as part of a 1,000-page general appropriations bill in 1995. According to the court, this action violated a provision in the state constitution that requires each bill to address only one subject. The court, however, also stated that the program did not breach the separation of church and state in either Ohio or federal law. As a result, Ohio policymakers passed legislation in June 1999 that reinstated the voucher program, and expands it to grade 6 in September 1999 and to grade 7 in September 2000. In this instance, the program was enacted as part of the state's education budget, as opposed to the state's general appropriations bill. Ohio's reinstated voucher program is being challenged in court.

20. In 2001, Pennsylvania lawmakers enacted legislation creating an educational improvement tax credit for corporations that donate money to educational improvement organizations or scholarship organizations. Educational improvement organizations must contribute at least 80% of their annual receipts as grants to public schools for innovative educational programs. Scholarship organizations must contribute at least 80% of their annual receipts to scholarship programs that will distribute these donations in the form of scholarships to public and nonpublic school children to attend the school of their choice. Corporations will receive a tax credit in the amount of 75% of their donations. If they provide a two-year commitment with equal or greater funding during the second year, however, they will receive a tax credit in the amount of 90% of their donations. The amount of the tax credit cannot exceed $100,000 annually per corporation, and the total amount of tax credits cannot exceed $30,000,000 in a fiscal year, with no less than $20,000,000 used for tax credits for donations to scholarship organizations and no less than $10,000,000 used for tax credits for donations to educational improvement organizations.

21. The number of charter schools in Puerto Rico was not available.

22. In 1995, Puerto Rico policymakers established the "Educational Foundation for the Free Selection of Schools, Inc," a nonprofit corporation that provides financial aid for elementary and high school students in public or private schools. The program includes the following provisions: the annual income of a student's family cannot exceed $18,000; the amount of education financial aid shall not exceed $1,500 per student; the funds necessary to provide the aid come from donations by individuals or private institutions; individual and institutional donors are eligible for a tax credit for their donations to the Educational Foundation; the amount of the credit cannot exceed $250 for individual taxpayers or $500 for corporations and partnerships; the amount of donations in excess of the credit can be used as a tax deduction; and participating schools must be licensed by the General Council of Education and have an admission policy free of discrimination.

23. Vermont students who reside in towns without public schools may attend public or approved independent private secondary schools selected by their parents and located either within or outside of Vermont. Their hometown school board must pay the full tuition charged by a public school, but private schools receive only an amount equal to the average tuition charged by the state's high school districts. If a selected private school charges more than this amount for tuition, the school district may pay the greater amount, but it is not required to do so. If the school district chooses to pay the lesser of the two amounts, parents must cover the difference.

24. Wisconsin lawmakers have enacted an interdistrict, mandatory statewide open enrollment law and an intradistrict and interdistrict, voluntary open enrollment law, know as the Chapter 220 program, which allows for pupil transfers resulting from a plan implemented by a district to reduce racial imbalance in a district or attendance area.

25. Wisconsin policymakers approved the Milwaukee Parental Choice Program in 1990, and last amended it in 1995. As of the 2000-2001 school year, 9,600 students were participating in the program, although up to 15,000 are allowed to participate. The amount of the voucher is the lesser of two numbers: either a nonpublic school's operating costs (or tuition) or the state's per-pupil schools aid to Milwaukee Public Schools. Wisconsin's program was challenged in court. In June 1998, the Wisconsin Supreme Court ruled that the program is constitutional. This decision was appealed to the U.S. Supreme Court. In November 1998, the U.S. Supreme Court declined to review the case, thus allowing the Wisconsin Supreme Court's ruling that the program is constitutional to stand.

This StateNote was compiled by Todd Ziebarth, Policy Analyst, ECS National Center on Governing America's Schools, with financial support from the Joyce Foundation.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

Enrollment

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Postsecondary Options: Dual/Concurrent Enrollment

July 2001

Compiled by the ECS Center for Community College Policy

Increasingly states are offering high school students the opportunity to take postsecondary courses in state two- and four-year institutions. These concurrent and dual enrollment programs are encouraged and implemented for a variety of reasons, including:

- To promote rigorous academics and to provide more educational options
- To save students time and money on a college degree
- To encourage competition from colleges and universities which then might pressure secondary schools to be more responsive to student and parent needs
- To accelerate student progress towards a degree in order to free up additional space on campus to meet the increased demands for college access by the children of the "baby boom" generation
- To provide greater academic opportunities for students at small rural schools
- To enable greater collaboration between high school and college faculty
- To increase student aspirations to go to college
- To build closer ties between colleges and their communities.

Postsecondary options programs vary considerably from state to state. Some states allow students to earn postsecondary credit for postsecondary classes while others do not. In some states, school districts pay for the costs of postsecondary courses, while in other states the student must pay. Tuition is paid out of a state fund in some states. The following broadly defined categories give an overall view of postsecondary options programs.

STATES WITH COMPREHENSIVE PROGRAMS

Comprehensive *dual/concurrent programs meet two or more of the following criteria: students pay minimal or no tuition and fees, both secondary and postsecondary credit is earned for postsecondary courses and few course restrictions exist. Following is a list of states that, through their statutes, board policies or institutional agreements, have comprehensive programs:*

California, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Washington, West Virginia, Wisconsin, Utah

STATES WITH LIMITED PROGRAMS

***Limited** dual/concurrent programs are defined by one or more of the following criteria: students pay tuition costs of postsecondary classes, there are more academic credit restrictions and there is stringent criteria on eligible courses. The following states, through board policies or institutional agreements, have such programs:*

Alaska, Arizona, Arkansas, Connecticut, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Montana, Missouri, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Wyoming

INCENTIVES AND BARRIERS

While many states' dual/concurrent enrollment programs are highly successful and offer incentives for students to take postsecondary courses, some states' policies have had unintended consequences or present barriers to students. In general, *statewide* policies, either by statute or board policy, provide more comprehensive programs with fewer barriers than do *institutional* policies.

Policies that include the following factors can provide incentives for students to enroll in dual/concurrent courses:

- Tuition and fees paid by the state, school district or college
- Easy transfer of course credit
- Few or no course restrictions.

Some barriers that students encounter in enrolling in dual/concurrent enrollment courses are:

- Students are responsible for paying dual tuition and fees. This practice might exclude low-income students from such programs when no tuition assistance or financial aid is available
- Difficulty in transferring courses
- Course restrictions
- Lack of information about the availability and requirements of postsecondary options programs.

Concerns about dual/concurrent enrollment courses have been raised by college faculty, school districts, parents and policymakers. Some of these concerns include:

- The quality and rigor of dual/concurrent enrollment courses

- Dual/concurrent enrollment agreements made between community colleges and high schools without the involvement of four-year institutions or input of faculty, thereby creating problems with transferring community college credits to the four-year institutions
- The financial and administrative burdens of the dual/concurrent enrollment programs
- The "double dipping" effect of having to pay twice (namely, the school district and the college) for students enrolled in dual/concurrent courses
- The possible loss, in some states, of per-pupil funding either by the school district or the college
- Dual/concurrent enrollment programs may reduce the number of high school Advanced Placement enrollments, thus leaving fewer options for students

Dual and concurrent enrollment programs receive support from parents, students, colleges, school districts and policymakers for the following reasons:

- An increase in the number of education options
- Savings in time and money for postsecondary courses leading to a degree
- A stronger focus on academics by students in their senior year of high school when they are prone to "senioritis"
- Closer ties between colleges and their communities
- Elimination of artificial barriers that impede students from moving "seamlessly" between K-12 and postsecondary systems.

SUMMARY OF CURRENT POLICIES IN THE 50 STATES:

- 19 states have state policies (i.e., statute)*
- 14 states have board policies
- 14 states have institutional policies
- 21 states have comprehensive programs
- 26 states have limited programs
- In 20 states, students pay tuition costs of postsecondary classes
- In four states, the state pays tuition costs of postsecondary classes
- In five states, the school district pays tuition costs of postsecondary classes
- In 21 states the funding comes from multiple sources
- In 49 states, both secondary and postsecondary institutions award credit.
- In one state, only postsecondary credit is awarded for dual/concurrent enrollment.

*No information available on three states

Key

The **Standard definition** of dual or concurrent enrollment is defined as a high school student enrolled in a postsecondary institution while still in high school. Differing definitions of dual or concurrent enrollment have been so noted.

Types of dual/concurrent enrollment:

Standard Dual/Concurrent Enrollment Programs: Allow high school students to enroll in postsecondary courses usually for credit. Generally students are taught by college faculty, either at the college or high school, or through distance education.

College High Programs: Agreements between high schools and postsecondary institutions to offer college-level courses at the high school, typically for credit (secondary, postsecondary or both secondary and postsecondary credit). Curriculum content and standards are determined by the postsecondary institution, while courses are typically taught by high school faculty who hold the same credentials as postsecondary faculty.

Tech Prep or 2+2 Programs: These programs provide an articulated high school/community college curriculum for professional or technical fields. The courses often reduce duplication between high school and college, thereby helping students to move seamlessly between the systems. Courses may be taught either by high school or community college staff.

Other college credit programs:

Advanced Placement: Overseen by the College Board, Advanced Placement (AP) courses are offered at high schools and taught by high school faculty. The AP curricula are standardized and the exams are administered in May each year. Students with passing grades of 3 or better, out of a total score of 5, earn course credit and/or advance to higher-level courses at the colleges and universities where they enroll.

International Baccalaureate (IB): Offered at high schools, IB has a rigorous and specific curriculum with several required areas of study. The comprehensive two-year curriculum fulfills the requirements of various national education systems. Students, upon successful completion of a national exam, earn an IB diploma and may receive college credit when admitted to a college or university.

College Level Examination Program: The College Level Examination Program (CLEP) permits students to test out of beginning level college courses at colleges and universities.

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
Alabama	Standard definition	State board of education policy enables high school students to take college courses for credit at two-year colleges.	Student or school district	Both secondary and postsecondary credit	No information available	No information available
Alaska	Standard definition	Dual enrollment is on an institutional basis.	Student	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	No information available	No information available
Arizona	Standard definition	A 1984 law stipulates that qualified high school students may enroll in community college and university courses. Community colleges may offer dual enrollment courses on high school campuses taught by high school instructors who are certified to teach those courses using community college syllabi and texts. Policies vary by community college district.	Student Student pays standard tuition and community colleges are reimbursed by the state.	Both secondary and postsecondary credit	Courses are accepted on transfer	No information available
Arkansas	**Dual enrollment** is defined as a high school student enrolled in a postsecondary institution for college-level credit only. **Concurrent enrollment** is defined as a high school student who is enrolled in a postsecondary institution for both high school and college-level credit.	Legislation enacted in **1995 ARK. CODE ANN. 6-18-223-(a)(2)** stipulates that a student who enrolls in and successfully completes college-level courses shall be entitled to receive both secondary and postsecondary academic credit. Legislation enacted in 1999 states that the Arkansas Higher Education Coordinating Board shall address accountability standards for dual enrollment programs (Title S.C.R. 20 Accountability Standards). **ARK.CODE ANN. 6-18-223** concerns concurrent enrollment whereas **ARK.CODE ANN. 6-60-202** refers to dual enrollment. Tech prep courses are not considered part of the concurrent enrollment program. High school students must be tested prior to enrolling in college English and/or math courses.	The student pays but the high school district may pay for the student if it so chooses.	Both secondary and postsecondary credit	No information available	Private businesses often pay tuition for dual/concurrent enrollment students in order to expose the students to college. Community colleges sometimes waive tuition fees for dual/concurrent enrollment students in exchange for the space that the high schools provide.
California	**Dual enrollment** is defined as a student who is admitted jointly to a two-year and a four-year institution so that the student does	**California Education Code Section 48800-48802** states that a governing board of any school district may decide which students would benefit from advanced scholastic or vocational work. The Board, upon recommendation of the school	Student	Both secondary and postsecondary credit	No information available	State law on concurrent enrollment authorizes but does not designate concurrent enrollment requirements.

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
California (continued)	not have to apply to the four-year institution after he/she completes specified courses. **Concurrent enrollment** is defined as a high school student who is enrolled in a postsecondary institution while still in high school.	principal and the consent of the student's parents, may permit a student to attend a community college as a special part-time student. A student's parent, regardless of the student's age or class level, may request that the school district in which the student is enrolled, allow the student to attend a community college as a special full-time student.				
Colorado	Standard definition	The 1988 **Postsecondary Enrollment Options Act, C.R.S. 22-35-101...111,** allows junior and senior high school students to take college courses at both public and nonpublic higher education institutions and to receive high school and/or college credit, which is what determines whether the school or college may claim state support. Students enrolled under the Postsecondary Options Act are not eligible for state or federal financial aid. The **Fast Track Program, C.R.S. 22-34-101,** is for 12th-grade students who have fulfilled their high school graduation requirements. Under this act a college and school district may set up a mutual agreement. Unlike the Postsecondary Options Act, a student may carry a full college course load in the Fast Track program. (In the Postsecondary Options program a student may carry only two college courses per academic term.) Fast Track students earn college credit and have full rights and privileges as high school students but not as college students.	Student or school district. School district reimburses student only if the student presents evidence of passing the college courses. If the student fails the courses, the student or their guardians must pay.	Both secondary and postsecondary credit	No information available	The Colorado Postsecondary Enrollment Options Act was one of the first in the nation to allow a 13th grade for high schoolers. This permits a high school student to graduate from high school at the same time as earning his or her Associate of Arts degree. Distance education also is widely used.
Connecticut	Standard definition	Community colleges and the University of Connecticut have separate programs for high school students taking college courses	Student or community colleges Community colleges	Both secondary and postsecondary credit	Usually no problem in transferring dual enrollment credits	Dual enrollment programs are primarily vocational/tech-prep.

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
		for credit.	often waive tuition and fees.			
Delaware	Standard definition	Dual enrollment is on an institutional basis.	School district	Both secondary and postsecondary credit	There are no problems in transferring credits.	School district pays for transportation, books and tuition.
Florida Florida (continued)	**Dual enrollment** is defined as a high school student enrolled in postsecondary courses for both high school and college-level credit.	A law enacted in 1973 (**FS240.116(1)**) provides options to high school students such as dual enrollment, vocational dual enrollment, early admission, the Advanced Placement Program, credit by examination and the International Baccalaureate Program. Joint dual enrollment and Advanced Placement courses must be incorporated within and subject to district inter-institutional articulation agreement provisions. The statute states that the dual enrollment program is for eligible high school students to enroll in postsecondary courses creditable toward a vocational certificate, associate degree or baccalaureate degree. Students enrolled in postsecondary courses that are not creditable toward the high school diploma shall not be classified as dually enrolled. Students are permitted to enroll in these programs during school hours, after school and during the summer. The State Board of Education shall adopt rules for any dual enrollment programs involving requirements for high school graduation. The Department of Education shall also develop guidelines for comparability across school districts of both student and teacher qualifications for dual enrollment courses. Student qualifications for dual enrollment include: a common placement exam, a 3.0 unweighted grade-point average and for students enrolling in vocational certificate courses, a 2.0 unweighted gradepoint average. Exceptions to the GPA requirements can be made if the educational institutions agree and the terms of the agreement are contained within the dual enrollment inter-	State	Both secondary and postsecondary credit	Under Florida law, dually enrolled students are not assessed student fees, which represents a substantial savings for students. There are few course restrictions, a common course numbering system and quality assurance guidelines. Through enrollment high school students can get a head start on their college education without giving up important high school experiences. A 1996 Postsecondary Education Planning Commission study found that dual enrollment allows students to (1) fulfill college-level educational requirements while still in high school; (2) enter college with career goals already in mind; (3) save time because they need not duplicate coursework already completed in high school; (4) save money because college tuition is not charged for courses taken in high school; (5) receive postsecondary credit when they pursue a degree at a college or university; (6) enrich their high school curriculum as well as their college program with advanced courses related to their career.	Dual enrollment and Advanced Placement are the major forms of articulated acceleration for students who are admitted into Florida postsecondary education institutions. All 28 colleges participate in dual enrollment. The number of students participating in both programs steadily increased between 1992-99. More students participate in Advanced Placement than in dual enrollment, but the average dual enrollment student takes more accelerated courses than the average AP student.

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
		institutional articulation agreement.				
Georgia	**Joint enrollment** is defined as an 11th- or 12th-grade high school student who enrolls in postsecondary courses while still in high school. **Early admission** programs allow a high school student to enroll in postsecondary courses full-time following junior year of high school.	**1995 GA. CODE ANN. 20-2-161.1** stipulates that any 11th- or 12th-grade student in any public school may apply to enroll in selected courses at a postsecondary institution. Georgia's statewide Joint Enrollment Program allows high school students to graduate earlier. Students must meet statewide minimum admissions standards (which can be increased at the campus level). The standards are based on SAT/ACT scores, GPA, the exemption of all LS requirements for early admission, a written recommendation from a high school counselor/principal, written consent from a parent/guardian if under 18, and finally, the student must complete the University System of Georgia College Preparatory Curriculum requirements. In the early admission program, a student may enroll full time as a college student following junior year of high school.	State	Both secondary and postsecondary credit	The Joint Enrollment Program allows students to graduate earlier even though it is not officially recognized as an accelerated baccalaureate program.	Georgia has an early admissions program which permits students to enroll full time in college courses following their junior year of high school.
Hawaii	Standard definition	The 2000 legislature passed a Running Start measure. There has always been an early admit policy.	Student	Both secondary and postsecondary credit	No information available	Hawaii's dual enrollment program, modeled after the Washington State Running Start Program, is in the process of being implemented.
Idaho	Standard definition	The 1997 Postsecondary Enrollment Options Act allows 11th- or 12th-grade students to apply to any eligible public/nonpublic, two- or four-year higher education institution but they may only enroll in nonsectarian courses.	Student, school district or community college	Both secondary and postsecondary credit	There are no problems in transferring dual enrollment credit.	Idaho was the first state to allow high school students to take college courses full time.
Illinois	Standard definition	Board of Education policies encourage AP courses. The Illinois Community College Board has developed policies governing admission to postsecondary courses by high school students. The board also has developed funding policies for dual enrollment courses. Most college courses	Student or school district. It is a local decision as to who pays the tuition costs for dually enrolled students.		More educational options	No information available

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
		are offered by community colleges.				
Indiana	Standard definition	The 1997 Postsecondary Enrollment Options Act permits high school juniors and seniors (and gifted and talented 9th and 10th graders) to enroll in courses on college campuses if they meet specified entrance requirements. No state mandates exist for college credit options for high school students, though statute allows such programs. Higher education institutions and schools may develop their own agreements and decide whether or not to provide or accept college credit programs. The **1996 Code 20-10.1-15-4** stipulates that high school students may obtain secondary credit for courses taken at a postsecondary institution.	Student	Both secondary and postsecondary credit	More educational options	No information available
Iowa Iowa (continued)	Standard definition	The 1987 Postsecondary Enrollment Options Act permits 11th- and 12th-grade students to enroll part time in nonsectarian college courses in eligible institutions. A gifted and talented student, according to the school's criteria, may also enroll in college courses **(Iowa Code section 247.43)**. A student may enroll part-time in an eligible postsecondary institution for no more than four semester terms or six quarter terms unless identified as a gifted and talented 9th- or 10th-grade student. Students may enroll in any of the three state universities, the 15 public community colleges, and accredited private institutions as defined in **Iowa's Code section 261-9(5)** and are eligible for the Iowa Tuition Grant Program. Students must meet entrance requirements for postsecondary courses as determined by the postsecondary institution before they can enroll. Students may not enroll in eligible postsecondary courses if the high school in which a student is enrolled offers a comparable course.	Student or school district. The school district pays unless the student does not successfully complete the college course(s), in which case the student must pay.	Both secondary and postsecondary credit	Gifted and talented 9th and 10th graders may enroll in postsecondary courses. School district pays the cost of the course.	Students and parents receive counseling about the Postsecondary Options Act. Gifted and talented students at the 9th- or 10th-grade level may enroll in postsecondary courses.
Kansas	Standard definition	Enacted in 1993, the **Kansas Challenge to Secondary Schools Pupils Act (72-11a01-72-11a05 Citation of Act. (a) K.S.A. and**	Student	Both secondary and postsecondary credit	Dual enrollment offers more educational options, as well as	College must provide verification to the school

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
		amendments thereto) stipulates that 11th- and 12th-grade high school students may enroll in postsecondary courses if they meet the following criteria: (1) Student is a high school junior or senior as designated by the unified school district. (2) Student has the permission of the high school principal to enroll. A form must be completed and signed by the high school principal allowing the student to enroll in college courses. (3) The course must be a college course approved by the Kansas Department of Education and taught with the same requirements as any other college course. (4) The Board of Education of any school district and any eligible postsecondary institution may enter into an agreement regarding dual enrollment of high school students. This includes an agreement concerning academic credit for coursework, the requirement that the coursework be counted toward a degree, and how much the student pays for tuition. (5) The college must provide verification to the high school that the student is attending class. (6) Only students enrolled for college credit can be carried on the class roster.			funding incentives for community colleges and universities to participate.	district that the student is attending class.
Kentucky	**Dual enrollment** is defined as a high school student who has completed junior year and who is enrolled in postsecondary courses.	Do to deregulation, the Council on Postsecondary Education will no longer have a dual enrollment policy. Admission regulations currently allow high school students to earn college credits which are transferable. Community colleges have a policy on dual enrollment (Section IV of the Rules of the Senate of the Community Colleges) which states that high school students need not to have graduated from high school in order to enroll in community college courses. A high school student who wishes to dually enroll in community college courses must have completed the junior year of high school with a "B" average or better, submit ACT scores, an application form, written recommendations from the	Student or community college	Both secondary and postsecondary credit	No information available	No information available

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
Kentucky (continued)		high school principal and guidance counselor, and certification of eligibility. High school students may not enroll in more than two courses per term unless more courses are approved by the community college president and documented in the student's record. Public universities in Kentucky have institutional policies regarding dual enrollment rather than state-level policies.				
Louisiana	Standard definition	Louisiana has no state mandated programs but the Board of Elementary and Secondary Education has a policy stating that high school students are eligible for dual enrollment (**School regulation Title 28 sec. 1523a**). Colleges and universities have separate policies.	Student	Both secondary and postsecondary credit	More educational options	The governor of Louisiana has set up a task force to create state policy for dual enrollment.
Maine	Standard definition	Students may take college courses at higher education institutions if they are accepted to the institution and if their school district approves the dual enrollment.	School district	Both secondary and postsecondary credit	Few course restrictions	Program is not limited to gifted and talented students. Counseling on postsecondary options is provided to students.
Maryland	Standard definition	No information available	Student	Both secondary and postsecondary credit	No information available	No information available
Massachusetts	**Dual enrollment** is defined as a high school student who is enrolled in a postsecondary institution for both high school and college-level credit.	The **General Laws of Massachusetts Chapter 15A: Section 39, Secondary Education Students Qualified to Enroll in Higher Education Institutions, allows that** qualified high school students enrolled in public secondary schools may enroll as students in Massachusetts public postsecondary institutions. Students may enroll either full or for individual courses. The Board of Education and the Board of Higher Education shall establish qualification guidelines for this program, establish criteria for admission, and administer this program. Nonpublic school students are eligible to participate in the pro-gram with the under-standing that the crediting of such attendance for a high school diploma shall be the nonpublic	Student, or school district or state	Both secondary and postsecondary credit	Students do not pay tuition and there are few course restrictions. Students may enroll in college courses full-time. All public institutions of higher education allow dual enrollment. Both public and nonpublic school students can dually enroll. More educational options are available.	Students do not pay for books or fees.

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
		school's decision to make. Eleventh- and 12th-grade high school students with at least a "B" average may take courses at any of the public colleges at no cost.				
Michigan Michigan (continued)	Standard definition	**Public Act 160 (HB 4643), Postsecondary Enrollment Options Program,** went into effect April 1, 1996. The program was modified and expanded from Section 21b of the State School Aid Act, which allows high school students to participate in dual enrollment or other postsecondary options. Qualified students for dual enrollment must take the MEAP High School Test and must be endorsed in the subject area in which they wish to dually enroll. If a subject has no endorsement, students are eligible to dually enroll in those areas as long as they have taken the MEAP High School Test. **Public Act 178 (HB 5232), enacted in 1997 as an amendment to the Postsecondary Enrollment Options Act,** defines an eligible student as being enrolled in at least one high school class in at least grade 11 in a school district in Michigan, except a foreign exchange student enrolled under a cultural exchange program. In short, the Postsecondary Enrollment Options bill establishes eligibility criteria for students, institutions and courses. It mandates eligible charges for tuition, course fees and registration fees that can be charged to a school district. It creates requirements for enrollment and credit. The bill requires schools to provide postsecondary options counseling and mandates school districts to report to the Department of Education.	School district	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit.	School districts pay tuition. Students can enroll in any number of college courses, the only requirement being that the student be enrolled in both the school district and the postsecondary institution during the school's regular academic year and that the student take at least one high school class. Students may attend any public or private degree granting higher education institutions in the state.	Michigan mandates students to receive postsecondary options counseling. Qualified students must take a state high school test and be endorsed in the subject area in which they wish to enroll in order to be eligible to dually enroll.
Minnesota	Standard definition	Enacted in 1985, the **Postsecondary Enrollment Options Program** is the oldest dual enrollment program in the United States. All high school juniors/seniors, except cultural exchange students, and some adults 21 years of age who do not have a high school diploma, are eligible to	Student or the state	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	Students get a head start on college credits and save money on postsecondary costs as they do no pay tuition. There are few course restrictions. In general, dual enrollment students do well	Dual enrollment participants often have higher GPAs than regularly admitted postsecondary students. It has been reported that many AP

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
		participate under the High School Graduation Incentives Act. Students may enroll in any public or private postsecondary institution. The student may only enroll in nonsectarian courses.			and sometimes even better than their college counterparts.	classes are being dropped due to the impact of dual enrollment.
Mississippi Mississippi (continued)	**Dual enrollment** is defined as a high school student who is enrolled in a postsecondary institution while still in high school.	**Statute 37-29-1 Subsection 2 of Supplement, Vol. 10,** authorizes the Boards of Trustees of community college districts to establish dual enrollment programs for high school students to take college-level classes. Students must meet the following conditions in order to enroll in a dual enrollment program: (1) Students must complete a minimum of 14 core high school units. (2) Students must have a minimum ACT composite score of 21 or the equivalent SAT score. (3) Students must have a 3.0 GPA on a 4.0 scale or better. (4) Students must have an written recommendation from their high school principal and/or guidance counselor. (5) Students who have not completed the minimum of 14 core high school units may be considered for the dual enrollment program if they have a minimum ACT composite score of 30 or the equivalent SAT score, and have the required GPA and recommendations. High school students can gain early admission to a college on a full- or part-time basis if they meet the following criteria: (1) completion of minimum of 14 core high school units, (2) 3.0 GPA on a 4.0 scale or better; (3) unconditional written recommendation from high school principal or guidance counselor; (4) minimum ACT composite score of 26 or the equivalent SAT score; (5) written recommendation from the principal or guidance counselor that early admission is in the best educational interest of the student, and that the student's age will not keep him/her from being a successful full-time college student.	School district	Both secondary and postsecondary credit	More educational options	State law allows dual enrollment students to enroll only in community colleges.

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
Missouri Missouri (continued)	**Dual enrollment** is defined as a high school student enrolled in a postsecondary institution while still in high school.	The Missouri Board of Higher Education has guidelines for dual enrollment courses taught in high schools by high school teachers; such courses also may be taught at the community college campus by college faculty. This policy only affects public institutions and those private institutions that choose to become signatories to this policy. These guidelines do not address technically oriented dual credit courses offered by some colleges. Dual enrollment courses taught by college faculty off-site from the high school also do not fall under these guidelines. **Section 167.223, RSMo (1990),** authorizes public high schools in conjunction with Missouri public community colleges and public or private four-year colleges and universities to offer postsecondary course options to high school juniors and seniors. In 1998, **Section 167.223, RSMo,** was amended to expand eligibility for dual enrollment courses to 9th- and 10th-grade high school students. Student dual enrollment eligibility varies according to the admission standards of the college or university offering the courses in the high school. All institutions require students to have a minimum overall GPA of 3.0 on a 4.0 scale or the equivalent, and the student must be recommended by the high school principal or his or her official designee.	Student	Both secondary and postsecondary credit	No information available	In FY 1998, 33 colleges and universities in Missouri offered dual credit courses. Approximately 50% of Missouri public high schools provide students with at least one dual credit opportunity.
Montana	Standard definition	No state mandated programs. Dual/concurrent enrollment is on an institutional basis.	Student	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	No information available	No information available
Nebraska	Standard definition	Dual/concurrent enrollment is on an institutional basis.	Student	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	No information available	Many dual enrollment courses are taught at the high school level.
Nevada	A **concurrently enrolled** student is a high school student	**1995 Code 389.160** states that a student who successfully completes a postsecondary course must be permitted to apply that credit towards his/her high school	Student	Only secondary credit, only postsecondary credit or both secondary and	No information available	No information available

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
	enrolled in a postsecondary institution for both high school and college-level credit.	degree (**Board of Regent's Policy Rev. 183 (06/00), Title 4, Chapter 14, Page 17 Section 21**). The University and Community College System of Nevada concurrent enrollment policy permits students to register concurrently in courses at the various institutions subject to the following regulations: (1) Each student is personally responsible for obtaining the advanced written approval of the assigned faculty advisor or counselor at the home institution to assure the course(s) are applicable toward satisfying degree requirements. (2) The maximum combined concurrent registration load in any one semester is determined by the advisor and the dean of the college of the student's home institution offering the degree or program. (3) Each institution should conduct periodic post-registration audits to identify any special problems that should be brought to the attention of the Articulation Board for further review and study. The Computing Center will support this effort by providing a report each semester listing the concurrent registrations within the system.		postsecondary credit		
New Hampshire	Standard definition	No state policy exists. Dual/concurrent enrollment is on an institutional basis.	Student or community college	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	No information available	Dual enrollment is considered a public relations tool by universities and colleges, so tuition is often waived.
New Jersey	Standard definition	**Code 1995 Ch. 18A.61C** states that courses for college credit shall be established on public high school campuses for high school students.	State	Both secondary and postsecondary credit	Many varied postsecondary institutions offer dual enrollment options, which provides more educational options for students. Few course restrictions exist and the cost to students is minimal. Dual enrollment courses must be accepted on transfer.	A private out-of-state university is advertising itself to New Jersey dual enrollment students.
New Mexico	'A **concurrently enrolled** student is a high school student	No state mandated college credit options programs exist. There are, however, voluntary concurrent enrollment and AP programs. The concurrent enrollment	School district or the state	Both secondary and postsecondary credit	More educational options	No information available

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
	enrolled in a postsecondary institution for both high school and college-level credit.	program allows qualified high school students to take postsecondary courses for dual credit, usually on college campuses. Concurrent enrollment agreements between schools and colleges must be in writing.				
New York	Standard definition	**Commissioner's Regulations 52.1(3)** state that enrollment of secondary school students in postsecondary courses shall be strictly controlled by the postsecondary institution.	Student	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	No information available	Reimbursement of $100 will be given to the dual enrollment student who earns an "A" or "B" for the college course; if a student earns a "C," he/she will receive a $50 reimbursement. Students who earn a "D" of "F" will not be reimbursed.
North Carolina North Carolina (continued)	A **concurrently enrolled** student is a high school student enrolled in a postsecondary institution for both high school and college-level credit	The Huskins Bill and concurrent enrollment policies provide opportunities for community colleges and high schools to have articulated programs, which allow high school students to take courses at a community college. **The Huskins Bill G.S. 115D-20(4)** seeks to improve articulation and to increase student's college participation rate without obscuring the distinct roles of high schools and community colleges. Local administrative boards and local school boards may create cooperative programs in the their communities to provide for college courses to be offered to qualified high school students with college credits to be awarded to those high school students on successful completion of their courses. The bill also presents nine criteria for how an operating agreement should be established between the local board of education and the board of trustees of the community college. Qualified students are defined as students in grades 9-12 who are socially and academically "mature" to handle college credit courses successfully. The high school and the community college must have a mutual agreement to define the criteria for student participation.	State	Both secondary and postsecondary credit	No information available	Dual credits transfer but are considered credits for "elective points" rather than for "quality points."

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
		Community colleges are permitted to schedule college credit courses for high school students, however, qualified high school students have been permitted to enroll in regularly scheduled college credit courses for many years through a concurrent enrollment policy of the State Board of Community Colleges. This policy, as cited in **NCAC 2C.0305**, permits high school students to enroll in a community college course under the following conditions: (1) the student is at least 16 years of age; (2) the student has been recommended by the chief administrative public school officer and approved by the president of the community college; (3) the principal certifies that the student is taking at least three high school courses and is making appropriate progress toward graduation; (4) enrollment of high school students cannot displace adult college students.				
North Dakota	A **dually enrolled** student is a high school student enrolled in a postsecondary institution for both high school and college-level credit.	Legislation passed in 1996, **28-32-01, Subdivision q of subsection 1**, discusses dual enrollment. **Section 403.5 Secondary-Postsecondary Articulation Agreements, Dual Credit Postsecondary Enrollment Options** states that institutions may develop agreements with secondary schools to offer postsecondary credit. Such articulation agreements must include a list of eligible secondary courses and their postsecondary counterparts. They must contain procedures so that students with eligible secondary coursework may show postsecondary proficiency and there should be procedures for joint secondary-postsecondary review of the articulation agreement at regular intervals. Secondary and postsecondary officials must develop criteria which can be used to evaluate a student's proficiency in an articulated course.	Student	Both secondary and postsecondary credit	All institutions in the state's university system participate. Participation does not affect state funding to school districts. In some cases, tuition is discounted when a dual enrollment course is taught at the high school.	North Dakota offers dual enrollment through distance education through the "Interactive Great Western Network."
Ohio	**Dual enrollment is**	Ohio has a Postsecondary Enrollment Options Program which allows high school	School district,	Both secondary and	There is minimal or no cost to	No information available

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
Ohio (continued)	defined as a high school junior or senior who may earn both high school and college-level credit.	juniors and seniors to earn high school and college credit through dual enrollment. The State Board of Education develops requirements for participation by schools. Legislation enacted in June 1999 requires students to have earned a minimum 3.0 GPA on a 4.0 scale (or equivalent) in high school courses in the same subject areas as the college courses in which they want to enroll through the Postsecondary Enrollment Options Program.	community college or the state	postsecondary credit	students and few course restrictions.	
Oklahoma	A **dually enrolled** student is a 12th-grade high school student who may be enrolled in and provisionally accepted as a special student at a postsecondary institution in the Oklahoma State System of Higher Education.	A 12th-grade student can participate in dual enrollment programs if he/she is enrolled in an accredited high school and meets all the requirements for dual enrollment. A student may be provisionally accepted as a special student at a college or university in the Oklahoma State System of Higher Education. State Regents' policy also provides for AP/IB programs and agreements between vocational-technical and postsecondary institutions.	Student	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	More educational options	Students must receive counseling about postsecondary enrollment. The policy is very specific about what requirements students must meet, including SAT/ACT scores, GPA and class rank.
Oregon	Standard definition	**The 1991 Oregon Administrative Rule 581-043-0510** outlines the community college dual enrollment policy. Cooperative educational program agreements exist between high schools and colleges for college credit courses for high school students.	Student, school district or community college	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	No problem in transferring dual credits except with private schools.	No information available
Pennsylvania	Standard definition	Dual enrollment is at the institutional level.	Student or school district	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	No information available	No information available
Rhode Island	Standard definition	Dual enrollment is at the institutional level.	Student	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	No information available	No information available
South Carolina	Standard definition	Dual enrollment is governed by state board policy. The state does provide some funding for AP classes. Many institutions offer college courses at high schools. The	Student or school district	Only secondary credit, only postsecondary credit or both secondary and	No information available	No information available

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
		University of South Carolina-Columbia has an accelerated baccalaureate program.		postsecondary credit		
South Dakota	Standard definition	There are no state-mandated college credit programs but the South Dakota Board of Regents set guidelines for dual enrollment policies. Public universities provide dual enrollment options.	Student or school district	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	No information available	South Dakota is in the process of establishing the Digital Dakota System, which is expected to be online by fall 2001.
Tennessee Tennessee (continued)	A dually enrolled student is defined as a high school student in one or more specified college courses for which the student may earn both high school and college credit. A jointly enrolled student is defined as a high school student enrolled in one or more college courses for which the student will earn only college credit.	Eleventh- and 12th-grade students may enroll in college classes that meet high school requirements. High school seniors may apply for early college admission. **The Tennessee Board of Regents Non-Degree Admissions Policy** concerning dual enrollment states that high school students who have completed their sophomore year of high school may be admitted for either joint enrollment or dual enrollment or both. Talented and gifted students in grades 9-12, under **Chapter 395 of the Public Acts of 1983,** may, with the recommendation of their high school principal and appropriate higher education authorities, enroll in and receive regular college degree credit from a Tennessee postsecondary institution if such a student has a minimum GPA of 3.2 on a 4.0 scale and if such a placement is a part of the student's planned Individual Education Program.	Student or school district	Both secondary and postsecondary credit	No information available	No information available
Texas	Standard definition	**S.B. 1352, School District and Junior College Course Credits** pertains to course credits offered under an agreement between a school district and a community college.	Student	Both secondary and postsecondary credit	No information available	No information available
Utah	A **concurrently enrolled** student is defined as a high school student who is enrolled in a	**Utah State Board of Regents Policy R165** defines concurrent enrollment, eligibility requirements, faculty requirements, credit hour limits, and discusses college transcripts, funding and an oversight	Student, school district, community college or the state	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	Students can accelerate obtainment of a baccalaureate degree. Cost to students is minimal. The New Century Scholarship offers strong	Utah's New Century Scholarship pays 75% of a student's college tuition for a baccalaureate degree at any Utah state-operated institution of higher

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
	postsecondary institution while still in high school.	committee. The New Century Scholarship is given to high school graduates who have completed requirements for an associate degree prior to September 1st of the same year they qualify to graduate from high school (**Utah State board of Regents Policy R604**). Since 1996 **Utah Code 53a-15-101(1)** permits college credit courses to be taught in high school concurrent enrollment programs.			incentive to concurrently enroll.	learning if he/she earns an associate degree by September 1st of the same year they qualify to graduate from high school. Distance learning programs include EDNET and KULC. Brigham Young University (a private, postsecondary institution) accepts concurrent enrollment credits.
Virginia Virginia (continued)	Standard definition	Since 1988 Virginia has offered formal dual enrollment programs. The Virginia Plan for Dual Enrollment outlines the program specifics. Courses must be part of a degree, certificate, or diploma program at a community college. Courses cannot be developmental, physical education or health. High school students must be recommended by their schools and meet community college admissions requirements. High school faculty teaching dual credit courses must have the same minimum credentials of community college faculty. The Virginia Plan also includes a section on assessment.	Student or the school district	Both secondary and postsecondary credit	Dual enrollment results in time and money savings. Community colleges and universities benefit from the generation of FTEs. Dual enrollment improves cooperation and communication between schools and postsecondary institutions.	No information available
Vermont	Standard definition	Dual enrollment is on an institutional basis. Currently Vermont State Colleges, the University of Vermont, and the Vermont Department of Education are considering the possibility of bringing a proposed statewide dual enrollment policy to the state legislature. In addition to serving higher achieving high school students, Vermont is exploring the possibility of a dual enrollment model that will create alternative college learning opportunities for "at risk" students.	Student	Only secondary credit, only postsecondary credit or both secondary and postsecondary credit	No information available	The state is looking at developing a statewide dual enrollment policy than not only allows high achieving students to take college courses, but also one that gives alternative college learning opportunities to "at-risk" students.
Washington	**A dually enrolled** student is a high school student who is enrolled in a postsecondary institution. A	The Running Start Program permits high school juniors and seniors to enroll in college-level courses at community colleges. The state also offers College in High School programs, AP and IB. Created	School district	Both secondary and postsecondary credit	The Running Start Program offers minimal costs to students as well as challenging classes and flexibility of courses. The program has been well received	No information available

State	Definition of Dual/Concurrent Policy	Dual/Concurrent Enrollment Policy	Who Pays for Dual/Concurrent Enrollment?	Postsecondary or Secondary Credit Earned	Incentives for Dual/Concurrent Enrollment	Unique Characteristics of Dual/Concurrent Enrollment Programs
	concurrently enrolled student is enrolled at two or more community colleges at the same time.	by the state legislature in 1990, the Running Start Program was a part of the Learning by Choice Law.			by parents and students alike.	
Wisconsin	Standard definition	Wisconsin code states that any public 11th- or 12th-grade student may enroll in an institution of higher education.	Student	Both secondary and postsecondary credit	Cost to students is minimal and dual enrollment provides more educational options.	No information available
West Virginia	Standard definition	Dual enrollment is on an institutional basis.	Student, community college or the state	Both secondary and postsecondary credit	There are no problems in transferring dual credits.	No information available
Wyoming	Standard definition	**Wyoming State Statute 21-20-201, Article 2, Wyoming Postsecondary Education Options Program** gives guidelines for agreements between school districts and postsecondary institutions, student participation, credits, financial arrangements and transportation.	Student	Both secondary and postsecondary credit	There are no problems in transferring dual enrollment credits.	There are no incentives for the dual enrollment program to grow because of the standards at the high school level.

144

Compiled by Genevieve Hale, ECS Center for Community College Policy.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

ECS StateNotes

Kindergarten

Education Commission of the States

700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303-299-3600 • fax 303-296-8332 • www.ecs.org

State Statutes Regarding Kindergarten

Compiled by Jessica McMaken, research assistant
August 2001

Last Update March 2002

KEY:
M = Mandatory
P = Permissive
LEA = Local Education Agency

State	Compulsory School Age[1]	Kindergarten Entrance Age[2]	District Offering of Kindergarten	Pupil Attendance in Kindergarten	District Offering of Full-Day Kindergarten	Year Full-Day Law Enacted	Pupil Attendance in Full-Day Kindergarten
Alabama	7	5 on or before 9/1	M	P	M	1990	P
Alaska[3]	7	5 on or before 8/15	P	P	P		P
Arizona	6	5 on or before 9/1	M	P	P		P
Arkansas	5	5 on or before 9/15	M	M	M[4]		P

State	Compulsory School Age[1]	Kindergarten Entrance Age[2]	District Offering of Kindergarten	Pupil Attendance in Kindergarten	District Offering of Full-Day Kindergarten	Year Full-Day Law Enacted	Pupil Attendance in Full-Day Kindergarten
California	6	5 on or before 12/2	M	P	P[5]		P
Colorado	7	LEA Option	P	P	P		P
Connecticut	5	5 on or before 1/1	M	M	P		P
Delaware	5	5 on or before 8/31	M	M	P		P
Florida	6[6]	5 on or before 9/1	M	P	P		P
Georgia	6	5 by 9/1	M	P	M[7]	1985	P
Hawaii	6	5 on or before 12/31	M	P	P		P
Idaho	7	5 on or before 9/1	P	P	P		P
Illinois	7	5 on or before 9/1	M	P	P[8]		P
Indiana	7	5 on or before 7/1	M	P	P		P
Iowa	6	5 on or before 9/15	M	P	P		P
Kansas	7	5 on or before 8/31	M	P	P		P
Kentucky	6	5 by 10/1	M	P	P		P
Louisiana	7	5 on or before 9/30	M	M	M	1990	M[9]
Maine	7	at least 5 on 10/15	M	P	P[10]		P
Maryland	5	5 by 12/31	M	M	P		P
Massachusetts	6	LEA Option	M	P	P[11]		P
Michigan	6	at least 5 on 12/1	M[12]	P	P		P
Minnesota[13]	7	at least 5 on 9/1	M	P	P		P
Mississippi	6	5 on or before 9/1	M	P	M		P
Missouri	7	5 before 8/1	M	P	P		P
Montana	7	5 on or before 9/10	M	P	P		P
Nebraska	7	5 on or before 10/15	M	P	P		P
Nevada	7	5 on or before 9/30	M	P	P		P
New Hampshire	6	LEA Option	P	P	P		P
New Jersey	6	LEA Option	P	P	P		P
New Mexico	5	5 before 9/1	M	M	P[14]	2000-05	P
New York	6	LEA Option	P	P	P		P
North Carolina	7	5 on or before 10/16	M	P	M	2000	P
North Dakota	7	5 before 9/1	P	P	P		P

State	Compulsory School Age[1]	Kindergarten Entrance Age[2]	District Offering of Kindergarten	Pupil Attendance in Kindergarten	District Offering of Full-Day Kindergarten	Year Full-Day Law Enacted	Pupil Attendance in Full-Day Kindergarten
Ohio	6	5 by 9/30[15]	M	P[16]	P		P
Oklahoma	5	5 on or before 9/1	M	M	P[17]	2005	P
Oregon	7	5 on or before 9/1	M	P	P		P
Pennsylvania	8	LEA Option	P	P	P		P
Rhode Island	6	5 on or before 12/31	M	M	P		P
South Carolina	5	5 on or before 9/1	M	M	M[18]	1998	P
South Dakota	6	5 on or before 9/1	P[19]	P	P		P
Tennessee	6	5 on or before 9/30	M[20]	M	P		P
Texas	6	5 on or before 9/1	M	P	P		P
Utah	6	5 before 9/2	M	P	P		P
Vermont	6	5 on or before 1/1[21]	M	P	P		P
Virginia	5	5 on or before 9/30	M	M	P		P
Washington	8	LEA Option	P	P	P		P
West Virginia	6	5 before 9/1	M	M	M	1996	M[22]
Wisconsin	6	5 on or before 9/1	M	P	P[23]	1987	P
Wyoming	7	5 on or before 9/15	M	P	P		P

[1] Most states allow parents to apply for a waiver if they do not wish for their children to attend kindergarten. In Rhode Island, Tennessee and West Virginia the compulsory school attendance age is 6. Kindergarten attendance is mandatory, thereby allowing parents to hold children out of kindergarten until they reach 6 years of age.

[2] Children may begin kindergarten in the school year that they reach the specified age by the specified date. For example, in Hawaii, a child may begin kindergarten at age 4 as long as his 5th birthday is during the school year and prior to December 31.

[3] Alaska has no state law regarding district offering of kindergarten.

[4] The Standards for Accreditation of Arkansas Public Schools section of Arkansas's Rules and Regulations requires that districts offer a full-day kindergarten.

[5] In California, full-day kindergarten is prohibited by one Education Code section and allowed in another. Education Code Section 46111 prohibits kindergarten from exceeding four hours (excluding recesses) unless children are participating in an Early Primary Program as allowed under Education Code Section 8970-8974. Ed. Code Section 8973 specifically says that kindergarten may exceed four hours if the program is not longer than the rest of the primary program and if there are opportunities for both active and quiet activities.

[6] In Florida, children are not required to attend school until they are 6 years old. If a child does not attend kindergarten at age 5, however, she will be required to attend kindergarten when she starts school at age 6.

[7] In Georgia, full-day kindergarten is defined as 4.5 hours per day.

[8] In Illinois, if a district offers full-day kindergarten it also must provide a half-day kindergarten. Parents are not required to send their children to kindergarten.

[9] In Louisiana, kindergarten is mandatory for entrance to 1st grade unless parents request their children be tested for readiness to enter 1st grade. Readiness criteria are established by each parish.
[10] In Maine, the Department of Education encourages districts to offer full-day kindergarten.
[11] In Massachusetts, a state grant program allows districts to apply for a grant to fund a full-day kindergarten.
[12] In Michigan, districts must offer a program for all students who will be 5 on or before December 1. This program does not have to be traditional kindergarten. For example, 5-year-olds may be served in a mixed-age classroom with other children. Programming for 5-year-olds must be available for ½ of the hours of the other grades.
[13] In Minnesota, districts may establish an earlier school entrance age. Districts may apply for an exemption from offering kindergarten if it would cause "extraordinary hardship." Districts are permitted to offer full-day kindergarten.
[14] In New Mexico, full-day kindergarten is being phased in from 2000-05. Beginning in the year 2000 and each subsequent year until 2005, one-fifth of New Mexico's school districts will be eligible to apply to the state for full-day kindergarten funding. Establishment of full-day kindergarten programs shall be voluntary on the part of school districts, and student participation shall be voluntary on the part of parents.
[15] In Ohio, local districts may adopt August 1, instead of September 30, as the date by which a child must be five years of age to be admitted to kindergarten.
[16] In Ohio, students must complete kindergarten, or by parent request, must demonstrate to the satisfaction of the Pupil Personnel Services Committee that they possess the social, emotional and cognitive skills necessary for 1st grade.
[17] In Oklahoma, mandatory district offering of full-day kindergarten will be phased in by July 1, 2005. Parents still will be able to opt for half-day programs for their children.
[18] In South Carolina, districts are required to offer full-day kindergarten unless they apply for a waiver due to lack of space and prohibitive cost. Parents may choose a half-day program for their children.
[19] In South Dakota, if districts choose to offer kindergarten, they may set the minimum hours of program provision.
[20] In Tennessee, kindergarten programs must offer a minimum of four hours per day.
[21] In Vermont, districts may set the entrance age cut-off date anywhere between August 31 and January 1 of the same school year.
[22] In West Virginia, students must attend full-day kindergarten unless, under extraordinary circumstances, a readiness test is passed for entrance into the 1st grade.
[23] In Wisconsin, districts are required to offer full-day kindergarten for low-income students.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296-8332 or e-mail ecs@ecs.org.

ECS StateNotes

Finance

Education Commission of the States

Education Commission of the States 700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

General State Education Information

	Number of Operating Districts (1999-2000)	Total Enrollment (1999-2000)	Average Students Per District (1999-2000)	Per Student Spending (2000-01)	Location of the 50 Largest State School Districts (1998-99)	Title I Participants (1997-98)	Student Enrollment (Fall 1997)	Title I Students As a Percent of Total Enrollment (1997-98)	Average Teacher Salaries (1999-2000)	Percent of Revenue from State Sources (1999-2000)	Percent of Revenue From State Sources: (2000-01)	State & Local School Revenue Per $1,000 Of Personal Income (1997-98)
Alabama	128	741,179	5,790.46	$5,267	1	260,434	749,187	34.76	$36,689	64.4	62.6	$36
Alaska	53	137,800	2,600.00	8,947	0	19,493	132,123	14.75	46,461	63.6	39.4	$60
Arizona	225	834,991	3,711.07	4,676	1	150,465	814,113	18.48	34,824	49.2	50.6	$36
Arkansas	311	457,782	1,471.96	5,995	0	155,192	456,497	33.40	33,691	60.1	53.9	$45
California	991	5,778,247	5,830.72	6,304	4	2,171,494	5,803,734	37.42	47,680	60.5	63.4	$38
Colorado	177	700,933	3,960.07	5,340	2	75,535	687,167	10.99	39,073	44.6	44.8	$33
Connecticut	184	551,430	2,996.90	10,163	0	76,192	535,164	14.24	52,410	42.9	49.2	$41
Delaware	19	113,382	5,967.47	8,395	0	13,323	111,960	11.89	44,435	6.60	38.8	$40
Florida	67	2,394,243	35,735.00	6,049	9	611,908	2,294,077	26.67	36,722	48.3	60.0	$35
Georgia	180	1,401,227	7,784.59	6,107	4	329,685	1,375,980	23.96	41,122	51.5	30.9	$42
Hawaii	1	189,254	19.00	6,570	1	63,746	189,887	33.57	41,292	88.9	61.5	$37
Idaho	113	245,846	2,175.63	5,667	0	75,068	244,403	30.71	35,155	62.3	61.8	$45
Illinois	899	2,016,409	2,242.95	7,014	1	483,002	1,998,289	24.17	46,460	26.7	70.0	$36
Indiana	292	990,478	3,392.05	7,118	0	104,038	987,483	10.54	41,855	50.7	50.8	$48
Iowa	375	502,472	1,339.93	6,251	0	49,757	501,054	9.93	35,678	53.4	51.5	$44
Kansas	304	470,446	1,547.52	6,584	0	75,723	468,687	16.12	36,282	63.3	51.2	$43
Kentucky	176	645,208	3,665.95	6,796	1	279,033	669,322	41.69	36,255	63.0	37.1	$42
Louisiana	67	767,833	11,460.20	6,024	1	331,613	776,813	42.69	33,109	51.0	74.4	$41
Maine	231	209,085	905.13	8,002	0	23,805	212,526	11.20	35,561	4.69	52.9	$48
Maryland	24	849,077	35,378.21	7,405	5	120,807	830,744	14.54	43,720	44.0	43.3	$45

	Number of Operating Districts (1999-2000)	Total Enrollment (1999-2000)	Average Students Per District (1999-2000)	Per Student Spending (2000-01)	Location of the 50 Largest State School Districts (1998-99)	Title I Participants (1997-98)	Student Enrollment (Fall 1997)	Title I Students As a Percent of Total Enrollment (1997-98)	Average Teacher Salaries (1999-2000)	Percent of Revenue from State Sources (1999-2000)	Percent of Revenue From State Sources: (2000-01)	State & Local School Revenue Per $1,000 Of Personal Income (1997-98)
Massachusetts	363	955,534	2,632.33	9,222	0	213,576	949,006	22.50	46,955	36.5	63.8	$37
Michigan	753	1,693,508	2,249.01	7,754	1	483,944	1,702,672	28.42	48,729	72.2	38.0	$51
Minnesota	392	861,488	2,197.67	7,630	0	103,371	853,621	12.11	40,678	60.1	50.5	$45
Mississippi	152	503,479	3,312.36	4,860	0	281,971	504,792	55.86	31,897	55.2	44.9	$39
Missouri	525	898,654	1,711.72	6,127	0	165,056	910,654	18.12	35,660	39.6	43.5	$41
Montana	453	157,462	347.60	6,352	0	31,681	162,335	19.51	32,121	46.9	43.7	$50
Nebraska	605	291,634	482.04	6,280	0	39,923	292,681	13.64	33,237	39.6	9.30	$36
Nevada	17	311,565	18,327.35	5,777	1	31,028	296,621	10.46	43,083	33.7	67.2	$36
New Hampshire	164	203,386	1,240.15	6,509	0	15,039	201,629	7.4	37,734	8.5	65.7	$39
New Jersey	595	1,249,803	2,100.51	9,897	0	156,831	1,250,276	12.54	50,678	38.1	64.7	$44
New Mexico	89	328,788	3,694.24	6,162	1	90,694	331,673	27.34	32,713	72.5	62.9	$46
New York	705	2,850,729	4,043.58	10,049	1	682,596	2,861,823	23.85	51,020	39.9	28.7	$45
North Carolina	117	1,264,048	10,803.80	6,021	2	290,715	1,236,083	23.52	39,404	70.7	50.6	$36
North Dakota	228	112,645	494.057	4,431	0	20,160	116,572	17.00	29,663	39.5	51.0	$42
Ohio	611	1,837,000	3,006.55	6,413	2	324,036	1,847,035	17.54	41,713	44.1	86.6	$41
Oklahoma	577	628,820	1,089.81	5,855	0	191,924	623,681	30.77	29,527	61.8	40.1	$43
Oregon	197	546,066	2,771.91	8,645	0	103,835	541,346	19.18	45,103	63.1	40.8	$43
Pennsylvania	500	1,817,530	3,635.06	7,454	1	332,154	1,815,151	18.30	48,321	41.0	69.9	$44
Rhode Island	36	154,267	4,285.19	8,392	0	15,361	153,321	10.02	48,138	39.8	59.3	$40
South Carolina	88	653,801	7,429.56	6,345	0	206,821	659,256	31.37	36,081	50.6	46.3	$44
South Dakota	173	132,466	765.70	5,660	0	21,308	142,443	14.95	29,072	37.4	52.7	$41
Tennessee	140	907,899	6,484.99	5,616	2	224,782	893,020	25.17	36,328	51.6	36.8	$31
Texas	1,043	3,971,269	3,807.54	6,384	4	1,777,525	3,891,877	45.67	37,567	44.3	65.4	$45
Utah	40	479,225	11,980.63	4,313	2	54,505	482,957	11.29	34,946	63.2	58.1	$46
Vermont	308	106,772	346.66	7,265	0	15,952	105,984	15.05	36,402	27.7	62.6	$55
Virginia	137	1,125,799	8,217.51	6,323	2	113,454	1,110,815	10.21	38,992	37.8	63.5	$33
Washington	296	1,004,427	3,393.33	6,609	0	169,779	991,235	17.13	41,047	67.0	43.8	$38
West Virginia	56	296,945	5,302.59	6,718	0	82,595	301,419	27.43	35,011	61.9	37.7	$55
Wisconsin	426	884,103	2,075.36	8,248	1	162,899	881,780	18.47	39,897	56.8	45.9	$49
Wyoming	48	94,030	1,958.96	7,196	0	11,886	97,115	12.24	34,188	53.1	42.7	$56

Sources:
District, enrollment and per student spending numbers are from "Rankings & Estimates" National Educational Association, 2001.

150

Teacher salary information is from the American Federation of Teachers' Survey of Teacher Salary Trends 2000.

Prepared by Mike Griffith, ECS policy analyst.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303-296-8332 or e-mail ecs@ecs.org.

Education Commission of the States

ECS StateNotes

Finance – Adequacy/Core Cost

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

A Survey of Finance Adequacy Studies

September 2001

This report, prepared by Mike Griffith, ECS policy analyst, provides a summary of adequacy studies that have been undertaken for a government entity, or for a private group, and then made public. It does not include adequacy studies that were not made available to the general public for one reason or another.

Illinois

Year: 2001

Study Undertaken by: Augenblick & Myers

Study Undertaken for: The Illinois Education Funding Advisory Board, which was charged with producing a school finance report to the state legislature, including recommended changes to the state's school finance system.

Method Used: Successful Schools Model – District Level

Base Cost Figure:

	2001
Prior to Study:	$4,425
Recommended by Study:	$4,600

The recommended base cost figure does not include "at-risk" funding which was determined to be between $1,697 to $2,329 per identified student, depending on the percentage of at-risk students in a district.

Total Education Spending: 2000-01
Recommended by Study: (incomplete information)

Education Expectations: A successful school was defined as one that will have 83% of its students meet standards for the Illinois Standards Achievement Test (ISAT) by 2004 (which was five years beyond 1999, the first year the test was given). The ISAT test is given in reading, writing and math to 3rd, 5th and 8th graders in the state.

What Drove the Study: The legislature wanted to re-evaluate school funding in the state in light of the emergence of testing and standards for Illinois schools and students.

Notes: This study was presented to the advisory board in August 2001, and information from it will be incorporated in the board's report to the legislature.

Louisiana

Year: 2001

Study Undertaken by: Augenblick & Myers

Study Undertaken for: State Board of Education

Method Used: Successful Schools Model – School Level

Base Cost Figure:

	Elementary	Middle School
Prior to Study:	$3,103	$3,103
Recommended by Study:	$4,174	$4,234

These base cost numbers are for the 2000-01 school year. The recommended base cost figure includes at-risk funding, but not special education funding, capital outlay and vocational education. The base prior to the study does not include funding for at-risk programs.

Total Education Spending:

	2000-01
Prior to Study:	$2.57 billion
Recommended by Study:	(Incomplete information)

Education Expectations: Schools scoring a grade of over 100 on the State Performance Score and any school that improves its grade by at least 75% over a two-year period would be seen as a successful school.

What Drove the Study: The state wanted to re-evaluate the foundation formula. One of the reasons for this re-evaluation was the establishment of a new education standards system in the state.

Notes: This study looked at elementary and middle school programs but did not include information about high school spending. The report was presented to the state in June 2001 and it has not yet had an impact on the state's education funding formula.

Mississippi

Year: 1993

Study Undertaken by: Augenblick, Van de Water & Myers

Study Undertaken for: The Task Force on Restructuring the Minimum Education Program, which operated out of the State Department of Education.

Method Used: Successful Schools Model – District Level

Base Cost Figure:

	1991-92
Prior to Study:	$2,005
Recommended by Study:	$2,614

Under the proposed system, local school districts would be expected to pay a share of the base cost program. The state's share of the base cost would range from $1,683 to $2,500, depending on a local school district's property tax wealth.

Spending on Education:		1991-92
	Prior to Study:	$800 million
	Recommended by Study	$889.2 million

These figures are the total cost to the state for the base cost program. This base cost figure does not include teacher retirement, for which the state makes separate payments.

Educational Expectations: The study identified schools by using socioeconomic information including: percent of students receiving free/reduced price lunch, the local operating tax levy, the assessed valuation per pupil and school size. Once districts were identified to be within a "normal" range for each of those categories, the study looked at their institutional cost. The information that was reviewed to determine instructional cost included: accreditation level, number of Carnegie units offered at the high school level and the average teacher experience in the district.

What Drove the Study: The state wanted to review its rationale for education spending.

Notes: The state incorporated the information from this study into its school finance system, which is still in place in Mississippi.

Ohio

Year: 1997

Study Undertaken by: Augenblick & Myers

Study Undertaken for: The School Funding Task Force, under contract with the Ohio Department of Education

Method Used: Successful Schools Model – District Level

Base Cost Figure:		1995-96
	Prior to Study:	(Incomplete information)
	Recommended by Study:	$3,930

Spending on Education:		1995-96
	Prior to Study:	(See note below)
	Recommended by Study:	(See note below)

In FY 1996-97, the year that this study was undertaken, the state funding for the "basic aid" program was $1.28 billion, with the base cost figure being $3,500. In the FY 2001-02 budget, which incorporated most of the changes recommended by this study, the funding for the "basic aid" program was $2.93 billion, with the base cost figure being $4,814. The state of Ohio was able to pay for this increase in school funding by reprioritizing the items in its state budget.

Education Expectations: Six criteria were used to select successful school districts:

1. A passing rate of 75% on the 4th grade proficiency tests in reading, mathematics, writing and citizenship
2. A passing rate of 75% on the 9th grade proficiency test in reading

mathematics, writing and citizenship administered in the 9th grade

3. A passing rate of 85% on the 9th grade proficiency test in reading, mathematics, writing and citizenship administered in the 10th grade
4. A passing rate of 60% on the 12th grade proficiency tests in reading, mathematics, writing and citizenship
5. A dropout rate of 3% or less
6. An attendance rate of at least 93%.

What Drove the Study: Court case: *DeRolph v. State*, 1997

Notes: The state is awaiting a Supreme Court ruling on the legislature's latest revisions to the state's school funding system. The funding system that the court is ruling on is based on the findings of this study.

Oregon

Year: 1997 (revised in 2000)

Study Undertaken by: Internally by a state-appointed commission

Study Undertaken for: The Legislative Council on the Oregon Quality Education Model. The members of the council were 23 educators, lawmakers, business leaders and parents.

Method Used: Professional Judgment Model

Base Cost Figure:

	2001-02	2002-03
Prior to Study:	$5,216	$5,444
Recommended by Study:	$5,762	$5,880

Spending on Education:

	2001-03
Prior to Study:	$5.089 billion
Recommended by Study:	$6.061 billion

Because of the high cost of implementing the full program, the commission recommended phasing in an increase in education spending over time. It suggested a $250 million increase in the first two-year budget, with further increases in the future.

Education Expectations: The model assumes that all schools will be able to reach the performance goal of 90% of the students being at benchmark standards for the 3rd grade and each grade there after. In addition, the remaining 10% of students should be making progress toward the standards.

What Drove the Study: The state legislature wanted answers to the following questions: How much money do schools need, where is the money currently going, what are the performance results from education spending, are targets being met and is the state properly fulfilling its obligation to provide a quality education for every student in Oregon.

Notes: The state has not yet incorporated the findings from this study into the state education funding formula.

South Carolina

Year: 2000

Study Undertaken by: Augenblick & Myers

Study Undertaken for: South Carolina School Boards Association

Method Used: Professional Judgment Model

Cost of the New Program: Implementation would cost an additional $2.9 billion in 1998-99 dollars.

Spending on Education:

	2005-06
Prior to Study:	(See note below)
Recommended by Study:	$6.0 billion

The total state spending on education prior to the study in 1998-99 was $3.1 billion. The state would have to increase its spending on education by $2.9 billion over a six-year period to cover the cost of this new program.

Base Cost Figure:

	2005-06
Prior to Study:	(See note below)
Recommended by Study:	$6,189

The base cost amount prior to the study for FY 1998-99 was $4,990. The recommended cost does not include at-risk and special education funding. When at-risk and special education funding are included, the recommended per-student funding for FY 2005-06 increases to $9,182.

Education Expectations: The state uses the Palmetto Achievement Challenge Test (PACT) to measure students' abilities in English and math. The performance expectations were that 85% of elementary students score at the level of "basic" or above by 2005-06, and that 75% of all elementary students score at the level of "proficient" or above by 2010-11. For middle school students, it was expected that 75% score at "basic" or above by 2005-06, and that 65% score at "proficient" or above by 2010-11. High school students are expected to make progress in meeting all the high school education criteria (graduation exam, attendance rate, dropout rate and participation in Advanced Placement courses) by 2005-06, and that by 2010-11, 100% of high school students should pass the 10th grade graduation exam by the end of the 12th grade.

What Drove the Study: This study was driven by the passage of the Education Accountability Act of 1998 (EAA). The School Boards Association wanted a study of the cost school districts might face in complying with the requirements of the EAA.

What Drove the Study: This study was driven by the passage of the Education Accountability Act of 1998 (EAA). The School Boards Association wanted a study of the cost school districts might face in complying with the requirements of the EAA.

Notes: The information from this study was used by the board to help influence state policies on the implementation of state standards and in policymakers' debates on school finance.

Wyoming

Year:	1997
Study Undertaken by:	Management Analysis & Planning Associates
Study Undertaken for:	Joint Appropriations Committee of the Wyoming Legislature
Method Used:	Cost Based Block Grant Model (Professional Judgment Model)

Base Cost Figure:

	1995-96		
Grades:	K-5	6-8	9-12
Prior To Study:	$5,964	$5,964	$5,964
Recommended by Study:	$6,165	$6,403	$6,781

Spending on Education:	The estimated additional cost for 1997 would have been $76.4 million, with $60.8 million of that coming from the state.
Education Expectations:	Once this program is implemented it will provide "Assured Opportunity *(to all students)* to Acquire Postsecondary Prerequisites."
What Drove the Study:	Court decision: *Campbell County v. State,* 1995
Notes:	On February 23, 2001, the Wyoming Supreme Court accepted the state's school funding system, which was based on the findings of this study, as constitutional.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

Finance – Taxes

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

Survey of Selected States With Property Tax Policies That Provide Tax Relief to Homeowners[1]

Several states in recent years have enacted policies that provide tax relief to property owners based on specific criteria. Tax exemptions may be available to seniors, veterans or disabled persons. Other exceptions may be homestead exemptions or assessment caps. This *StateNote* presents data on nine randomly selected states.

Colorado

Varied Property Assessments: Property is assessed based on its categorization; the assessments for 1998 were as follows:

- Residential property: 9.74% of market value
- Commercial and industrial property: 29% of market value
- Other non-residential property: 29% of market value

California

Homestead Exemption: All privately owned homes are eligible for a $7,000 homestead exemption from property taxes.

Senior Exemption: Elderly taxpayers with incomes of $33,993 or less are eligible for an additional exemption of the assessed value of their property of up to $20,395 (in FY 2000-01).

Veterans Exemption: The homestead of a disabled veteran, or surviving spouse, is exempted from taxation on a residence that does not exceed $100,000. A disabled veteran is defined as being "…. blind in both eyes, has lost the use of two or more limbs, or if the veteran is totally disabled as a result of injury or disease incurred in military service."

Assessment Cap: Property tax assessments are capped at 2% per year. These assessments are "un-capped" after the property is sold at which point it is then taxed at its fair market value.

Louisiana

Homestead Exemption: Personal residences valued at $75,000 or less are exempt from school district levied property taxes.

[1] Information for this report comes from "Public School Finance Programs of the United States and Canada: 1998-99," National Center for Educational Statistics, 2001, and from state sources.

Michigan

Homestead Exemption: There is a 24 mill statewide property tax levy used for K-12 education funding; homesteads are exempt from 18 mills of this tax levy. Each individual or married couple may claim only one residence in the state as their homestead, thus they may only claim one homestead exemption.

Assessment Cap: Property assessments are capped at 5% or the rate of inflation, whichever is less. These assessments are "un-capped" after the property is sold, then taxed at its fair market value.

Minnesota

Varied Property Tax Rates: Minnesota has several different property tax rates depending on the class and value of the property. Following is a sample of the property tax rates in 1998:

- Residential homestead, first $75,000 of market value: 1.00%
- Residential homestead, market value exceeding $75,000: 1.85%
- Agricultural homestead land & building, first $115,000: 0.40%
- Agricultural homestead land & building over $115,000, first 320 acres: 0.90%
- Agricultural homestead land & building over $115,000, over 320 acres: 1.40%
- Commercial-industrial, first $150,000 of market value: 2.70%
- Commercial-industrial, over $150,000 of market value: 4.00%

Nevada

Senior Exemption: Homeowners who are 62 years of age or older with household incomes of less than $19,100 per year are eligible for an allowance against their property taxes of between 10% and 90% depending on their income.

New York

Homestead Exemption: Homeowners throughout the state are eligible for an exemption on their primary residence of $30,000 starting in 2001-02.

Senior Exemption: Homeowners who are 65 or over with household incomes of $60,000 or less are eligible for a homestead exemption of $50,000 starting in 2001-02. This exemption is not added onto the standard homestead exemption, but replaces it.

Income Tax Credit for Property Taxes: This income tax credit is available to individuals whose property is valued at less than $85,000 and whose income is less than $18,000. The credit ranges between $85 and $375 depending on income and home value of the taxpayer.

In addition to these statewide exemptions, local school districts have the option to provide two local exemptions for homeowners:

Senior Exemption: This exemption reduces the assessed value of residential property owned by individuals who are 65 and older by up to 50%. The law allows each taxing jurisdiction to set the maximum income limit at any figure between $3,000 and $19,500. Localities have the further option of giving exemptions of less than 50% to seniors with incomes of more than $19,500.

Exemption for Disabled Persons: The law allows each taxing jurisdiction to exempt 50% of the assessed value of property for disabled individuals. The jurisdiction must set an income limit for this full tax credit of between $3,000 and $18,500. Localities also have the option of granting exemptions of less than 50% to persons with qualifying disabilities whose incomes are more than $18,500.

Texas

Assessment Cap: Appraisal increases are limited to 10% for most homesteads.

Homestead Exemption: The first $15,000 of appraised value for a homestead is exempt for all homeowners.

Senior/Handicapped Exemption: An additional exemption of $10,000 of the appraised value of a homestead is available to a person who is 65 or older or is a disabled adult.

Vermont

Circuit Breaker: For homeowners with a household income of under $75,000, education taxes are capped at no more than 2% of income to support K-12 education. Each town may vote to exceed this cap; currently 95% of the communities have approved un-capping this amount.

Prepared by Michael Griffith, ECS Policy Analyst

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

ECS StateNotes

Financial Aid

Education Commission of the States

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

MERIT SCHOLARSHIPS
July 2001

Ever since Georgia revolutionized student financial aid with the HOPE scholarship in 1993, merit-based scholarships have grown in popularity. Unlike need-based aid, which provides federal or state assistance for low-income students, merit scholarships theoretically award financial aid on the basis of academic achievement. Merit awards are distributed on the basis of high school GPA's and standardized test scores instead of income level or financial need. Proponents claim these scholarships discourage top-level students from leaving their home states and attending college elsewhere. They also insist that merit aid allows colleges to draw from and admit a broader range of students, thereby increasing diversity and access. Despite the advantages, opponents say a number of troubling questions have arisen since the inception of merit scholarship programs nearly a decade ago. Critics point to the predominantly white, predominantly wealthy recipients of the awards and wonder if equity has been lost as a result of merit-based aid. Accusations of grade inflation accompany statistics that show an average of six out of 10 HOPE recipients every year fail to maintain a B-average once in college.* And the high price tag of the scholarships has led some states to seek somewhat controversial sources of funding from lotteries or tobacco settlements. Whatever the problems, the appeal of merit scholarships is growing among legislators and the general public in many states. There are currently 13 states that offer merit scholarships, with eight more considering legislation in the next year. Below is list of key policy components for each state.

KEY: **Legislation:** Is there a statute on the books? Is there a program web site?
Eligibility: How is merit defined in a particular state? Who is eligible for merit-based aid and why?
Funding Source: What is the source of funding?
Duration: How long does the award last?
Maintenance: What does it take to maintain the grant/scholarship? How well does the recipient have to perform in college?
Amount and Use: What is the amount of the award for each student? What expenses does the award cover? Can it be used for tuition only? Can it also cover books? Can the award be used at both public and private universities? Can the award be used at out-of-state institutions?

SUMMARY:

Participating States	Eligibility (Some states overlap)	Funding Sources	Duration	Maintenance	Amount and Use
13	Top Percentile = 3 GPA + SAT/ACT Scores = 8 State-Mandated Test = 2 Income Restrictions = 2 Diploma/GED Only = 1	General State Revenues = 6 Lottery = 4 National Tobacco Settlement = 2 Interest on Land Sales = 1	4 years/8 semesters = 8 "Standard" Degree Time = 3 Two years = 1 One-Time Payment = 1	GPA = 8 Credit Hours = 2 "Satisfactory" Progress = 3	Tuition & Fees Only = 4 All Education-Related Costs = 8 Tuition & Book Allowance = 1

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
Alaska http://www.alaska.edu/scholars/	ALASKA STAT. § 14.43.930: University of Alaska Scholars Award	Top 10% of graduating seniors from Alaska High Schools. Each high school sets its own criteria.	Interest on land leases and sales	Award available for eight semesters. Must graduate within six years of enrollment. Must claim award within 16 months of high-school graduation.	Must be a full-time student making "satisfactory" progress towards completion of degree. Must be in good financial standing and follow the student code of conduct.	Four year, $11,000 award ($1,375 per semester) covers tuition, fees, books, room, board, transportation and other expenses at the University of Alaska only.
Arkansas http://www.arkansashighered.com/challenge.html	ARK. CODE. ANN. § 6-82-1003: Academic Challenge Scholarship	Must have a minimum 2.5 GPA in the pre-collegiate core curriculum at an Arkansas high school, score at least 19 on the ACT and not have a household income exceeding $50,000.	General state revenues	Award available for eight semesters.	Must maintain a 2.75 GPA and complete 30 academic hours per academic year.	Provides up to $2,500 annually for tuition and fees at state universities only.
Florida http://www.firn.edu/doe/brfutures/ Florida features three levels of merit scholarships: 1. Florida Academic Scholar (FAS) 2. Florida Merit Scholar (FMS) 3. Florida Gold Seal Vocational Scholar (FGSVS)	FLA. STAT. § 240.40201: Bright Futures Scholarship	**FAS** = Maintain a 3.5-weighted GPA in college preparatory courses, score a composite 1270 on the SAT or a 28 on the ACT, and complete 75 hours of community service. **FMS** = Maintain a 3.0-weighted GPA in college-preparatory courses, score a composite 970 on the SAT or a 20 on the ACT. **FGSVS** = Maintain a 3.0-weighted GPA from 15 core credits, a 3.5-unweighted	Lottery	**FAS and FMS** = Award period covers the standard time it takes to complete an under-graduate degree, usually 132 semester hours. Degree must be completed within seven years of high school graduation. **FGSVS** = Award period covers a maximum of 90 semester hours.	**FAS** = Maintain a 3.0 GPA to be eligible for renewal. **FMS and FGSVS** = Maintain a 2.75 GPA.	**FAS** = Award of $1,504 per semester for students at four-year institutions, (students at two-year institutions receive $1,058) covers 100% of tuition and fees, plus $300 per semester for college-related expenses at public institutions. Students attending private institutions receive a fixed amount based on average cost of a comparable public school. **FMS and FGSVS** = $911 per semester for

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
		GPA in a minimum of three vocational credits in one vocational program, and a 440 verbal and math on the SAT or a 17 in English, an 18 in Reading and a 19 in Math on the ACT.				four-year students ($576 for two-year students) covers 75% of tuition and fees at public institutions, and a fixed amount for private institutions based on average cost of a comparable public school.
Georgia http://www.gsfc.org/hope/	GA. CODE ANN. § 20-3-519.2: HOPE Scholarship	Must maintain a 3.0 GPA in a college preparatory program or a 3.2 GPA in a technical/career preparatory program to qualify as a HOPE scholar.	Lottery	Award ends after 127 semester hours of degree credit.	Must maintain a 3.0 GPA to remain eligible. No minimum hours or credits at public institutions, but private school students must be enrolled full time (12 hours).	Covers full tuition, mandatory fees and a $150 book allowance, per semester at public institutions. Students attending private institutions receive $3,000 per semester. Must be enrolled in a branch of the University System of Georgia, a branch of the Georgia Department of Technical and Adult Education or an approved private institution.
Kentucky http://www.kheaa.com/keeshome.html	KY REV. STAT. ANN. § 164.7877: Kentucky Educational Excellence Scholarship	Students must have a minimum 2.5 GPA while taking 22 units of high-school graduation requirements to be eligible for the base award.	Lottery	Award available for eight semesters. Degree must be completed in a maximum of five years.	During the freshman year, a student must maintain a 2.5 GPA. After the first year, a 3.0 GPA is required to keep the full award. Students must be enrolled on at least a half-time basis (6 hours) to receive a portion of the scholarship.	Students who earn a 2.5 GPA in high school are eligible for the base award amount of $125 a year. Students who maintain a higher GPA receive more funding (a 4.0 = $500). Students who score a 15 or more on the ACT are eligible for bonus funding (the bonus ranges from $36 for a score of 15

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
						to $500 for a score of 28 or higher). The award covers all education related-expenses at all accredited public and private institutions of higher education in Kentucky. If a program of study is not offered in Kentucky, a recipient may use the award at an out-of-state school.
Louisiana http://www.osfa.state.la.us/schgrt6.htm Louisiana features four levels of merit scholarships: 1. TOPS Tech 2. TOPS Opportunity 3. TOPS Performance 4. TOPS Honors	La. R.S. 17:3048.1: Tuition Opportunity Program for Students	GPA in core curriculum: Tech = 2.5 Opportunity = 2.5 Performance = 3.5 Honors = 3.5 ACT Scores: Tech = 19 Opportunity = 20 Performance = 23 Honors = 27	General state revenues	Award available for eight semesters.	Must complete at least 24 credit hours each academic year.	Award covers cost of tuition, but does not include technology or athletic fee. Performance award offers an additional $400 cash stipend per semester, while the Honors award provides an extra $800. Award can only be used at accredited Louisiana postsecondary institutions.
Michigan http://www.meritaward.state.mi.us/	MSA § 15.2097: Michigan Merit Award	Successful completion of the Michigan Educational Assessment Program (MEAP) High School Tests (HST) in reading, writing, math and science. Students who score at Level 1 or Level 2 automatically meet all scholarship requirements and receive the full award. Students	National tobacco settlement	Award a one-time only, non-renewable grant.	N/A	A one-time, lump sum of $2,500 covering tuition, fees, books, "reasonable" room and board, transportation, dependent care during class time 1and disability expenses is available for use at approved Michigan institutions of higher learning. An award of $1,000 is

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
		who score in the 75th percentile on the ACT or SAT or achieve qualifying scores on the ACT Work Keys job skills assessment test also are eligible for the award.				offered in certain instances for students attending approved out-of-state colleges. Award also can be used for graduate school, provided program begins no later than seven years after high school graduation.
Mississippi http://www.msms.doe.k12.ms.us/~jhawkins/MSAid.html	MISS. CODE ANN. § 37-106-31: Eminent Scholars Fund	Maintain a 3.5 GPA in high school and score a 29 or higher on the ACT or a 1280 or higher on the SAT.	General state revenues	Award renewable for four years.	Full-time students must reapply on a yearly basis and maintain a 3.5 GPA throughout all four years.	Award of $2,500 per year covers all education-related costs at Mississippi schools only.
Missouri http://www.mocbhe.gov/mostars/heasp.htm	MO REV.STAT. § 173.198: Missouri Higher Education Academic Scholarship Program	Must have a composite score on the ACT or SAT in the top three percentile.	General state revenues	Award renewable for up to 10 semesters or completion of degree, whichever comes first.	Must be a full-time student and "maintain satisfactory academic progress" as defined by each individual school.	Annual award of $2,000 is distributed each semester in $1,000 increments.
Nevada http://millennium.state.nv.us/new/	NEV. REV. STAT. ANN. § 396.930: Millennium Scholarship	Complete high school with a 3.0 GPA and pass all areas of the Nevada High School Proficiency Examination.	National tobacco settlement	Award available for eight academic years after high school graduation or until the successful completion of an undergraduate degree, whichever comes first.	Must enroll for at least 12 credit hours every semester at a university or six credit hours at a community college and maintain a 2.0 GPA each semester.	Students receive $80 per credit hour at a university and $40 per credit hour at a community college. The amount of the award cannot exceed the cost of attendance.
New Mexico http://www.nmche.org/financialaid/lotto.html	N.M. STAT. ANN. § 21-1-4.3: Lottery Success Scholarship	Award available to all students who graduate from a New Mexico high school or obtain a New Mexico GED. Students are not eligible for the award until successful completion of the first	Lottery	Award available for eight consecutive semesters.	Must receive a 2.5 GPA during the first semester of college to receive the award and "maintain satisfactory academic progress" thereafter.	Award pays up to 100% of tuition only at New Mexico public colleges or universities, "depending on funding availability."

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
		semester of college.				
South Carolina http://www.che400.state.sc.us/web/Student/LIFE/LIFE%20home.html	S.C. CODE ANN. § 59-149-10: LIFE Scholarship	Eligible students must graduate from a South Carolina high school with a minimum 3.0 GPA. In 2002 and after, students also must score at least an 1100 on the SAT or a 24 on the ACT.	General state revenues	Award renewable for four academic years.	Students must maintain a 3.0 GPA and complete a minimum of 30 credit hours each academic year.	Students who attend four-year colleges or universities receive $3,000 per academic year, or $1,500 per semester. Students attending two-year colleges receive the cost of tuition and fees for 30 credit hours per year.
Washington http://www.hecb.wa.gov/paying/Promise/psindex.htm	S.B. 5598: Promise Scholarship	Students must be in the top 15 % of their Washington high school graduating class and have a family income of no more than 135% of the state's median the year they graduated. Students who score a 1200 or higher on their first attempt at the SAT also are eligible.	General state revenues	Scholarship is available for two years.	Must attend school at least half time.	A maximum amount of $1,641 per term covers any education-related expense at all accredited Washington institutions of higher learning. Due to funding availability, the current prorated amount is $1, 542.

*Selingo, Jeffery (2001, January). "Questioning the Merit of Merit Scholarships." *The Chronicle of Higher Education*, p. A20.

This *StateNote* was compiled and written by Carl Krueger, Research Associate, Education Commission of the States

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

ECS StateNotes

Governance

Education Commission of the States

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

Models of State Education Governance

First Completed in March 2000

Last Updated in March 2002

Model One

Within this model, the governor appoints the state board of education. Also, the state board of education appoints the chief state school officer. There are 10 Model One states: AR, CT, FL (as of January 7, 2003), IL, KY, MD, MO, NH, VT and WV.

Model Two

Within this model, the state board of education is elected, and appoints the chief state school officer. There are 8 Model Two states: AL, CO, HI, KS, MI, NE, NV and UT.

Model Three

Within this model, the governor appoints the state board of education. Also, the chief state school officer is elected. There are 10 Model Three states: AZ, CA, GA, ID, IN, MT, ND, OK, OR and WY. In three of these states, AZ, IN, and OK, the chief state school officer is also a voting member of the state board of education.

Model Four

Within this model, the governor appoints the state board of education and the chief state school officer. There are 8 Model Four states: AK, DE, IA, ME, NJ, SD, TN and VA.

In addition, 14 states do not conform to any of the four models. They are:

- LA: Eight state board members are elected, and the governor appoints three members. The state board appoints the chief state school officer.
- MA: Seven state board members are appointed by the governor, one member is appointed by the student advisory council and one member is appointed by the higher education coordinating council. The state board appoints the chief state school officer.
- MN: There is no state board, and the governor appoints the chief state school officer.
- MS: The governor appoints five state board members, while the lieutenant governor and speaker of the house each appoint two members. The state board appoints the chief state school officer.
- NC: Two state board members are elected, and the governor appoints 11 members. The chief state school officer is elected.
- NM: Ten state board members are elected, and the governor appoints five members. The state board appoints the chief state school officer.
- NY: The state legislature appoints the state board, and the state board appoints the chief state school officer.

- NY: The state legislature appoints the state board, and the state board appoints the chief state school officer.
- OH: Eleven state board members are elected, and the governor appointed eight members, with the advice and consent of the senate. The state board appoints the chief state school officer.
- PA: Four state board members are elected, and the governor appoints 17 members. The governor appoints the chief state school officer.
- RI: Two state board members are elected, and the governor appoints nine members. The state board appoints the chief state school officer.
- SC: The state legislature appoints 16 state board of education members, and the governor appoints one state board member. The chief state school officer is elected.
- TX: The state board is elected, and the governor appoints the chief state school officer.
- WA: Nine state board members are elected by their local school boards, one member is elected by the governing boards of state-approved K-12 private schools and votes only on matters pertaining to private schools and one member, the chief state school officer, is elected by the general public.
- WI: There is no state board of education, and the chief state school officer is elected.

This ECS StateNote was completed by Kirstin Craciun, research associate, and Todd Ziebarth, policy analyst, ECS National Center on Governing America's Schools, with support from the Joyce Foundation.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

This Web-based document may be found on www.ecs.org.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

ECS StateNotes

Governance - Postsecondary

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

State Master/Strategic Plans for Postsecondary Education

December 2001

State master/strategic plans for postsecondary education frame a state's goals for postsecondary education policy and outline the steps necessary to achieve these goals. Since 1996, 31 states have updated or written new master/strategic plans for postsecondary education; 16 of these master/strategic plans were written in 2000. In addition, six states are in the process of writing a new master plan.

The most common themes addressed in state master/strategic plans for postsecondary education include access, technology and economic development. One of the common strategies states are using to increase access to postsecondary education is through the expansion of distance education. Also, states are increasingly placing emphasis on the role of postsecondary education in workforce development, business partnerships and new business opportunities through research and development. Finally, nearly two-thirds of the master/strategic plans have either reviewed the mission/role of postsecondary education institutions or have directed colleges and universities to review their mission statements in order to eliminate the unnecessary duplication of programs and services.

This *ECS StateNote* is a review of master/strategic plans only and does not reflect state postsecondary education activity in its totality.

THEMES ADDRESSED IN STATE MASTER/STRATEGIC PLANS FOR POSTSECONDARY EDUCATION

Number of States with Master/Strategic Plans	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity

31 states have current master/strategic plans	7	10	24	11	13	12	4	18	22	25	15	21	18	12	8

About this *ECS StateNote*:

This *StateNote* is organized into five tables. Table 1 details which issues are addressed by each master/strategic plan. An "X" denotes mention of a particular category in that state's master plan. Table 2 explains the "X's" placed in the tuition category. Table 3 details the efforts of the six states currently revising/writing master/strategic plans. Table 4 lists the states that do not have master/strategic plans. Table 5 contains contact information or Web links to master/strategic plans.

Category definitions for Table 1 are as follows:

(1) State, (2) Title of Plan and (3) Issuing Body – Contains the state name, the name of the master plan in italics, the agency that issued the master plan and, where appropriate, the type of board issuing the master plan in parentheses (CB/A = coordinating board/agency, GB/A = governing board/agency)

Effective Dates – Contains the number of years state master plan objectives are to be accomplished; or when that information was not contained in the master plan, the date it was issued

Program Review – Directs colleges and/or universities to review the programs being offered at the undergraduate and/or graduate level

Enrollment – Includes those states planning to increase participation in postsecondary education

Technology – Includes those states planning to increase the use of technology as a means for distance learning (e-learning)

Performance Indicators – Includes those states that plan to measure achievement of master plan goals

P-16 – Includes state master plans that incorporate P-16 initiatives

Tuition – Includes a brief description of state master plan recommendations for tuition

Increase State Appropriations – Includes those states seeking increased state appropriations for higher education

Financial Aid – Includes state master plans addressing student financial aid

Economic Development – Includes state master plans looking to higher education as a means of increasing state economic development through research and development, business partnerships and/or workforce development

Access – Includes state master plans addressing improved access for low-income students, minorities and/or improved geographic access

Community Colleges – Includes master plans including the role of community colleges in the state

Finance – Includes state master plans, which have performance-based budgeting, funding formulas and/or capital construction

Institutional Mission/Role Review – Includes state master plans reviewing institutional mission statements and or calling for the review/development of differentiated missions for institutions

Teacher Preparation – Includes state master plans addressing the need for increased teacher preparation and/or increased teacher recruitment

Diversity – Includes state master plans promoting student diversity.

TABLE 1
TABLE FOR INDIVIDUAL STATE ACTIVITY IN EACH CATEGORY

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
(1) Arizona *(2) Arizona at Risk* (3) Governor's Task Force on Higher Education	Issued December 2000		X	X	X		X	X	X	X	X	X	X		X	
(1) Colorado *(2) Master Plan* (3) Colorado Commission on Higher Education (CB)	Issued May 2000			X	X				X		X		X	X		
(1) Florida[1] *(2) Challenges and Choices: The Master Plan for Florida Postsecondary Education* (3) The Florida Postsecondary Education Planning	Issued January 1998		X	X		X	X	X	X	X	X[2]	X	X	X	X	

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
Commission (CB)																
(1) Hawaii *(2) Focus and Quality: The University of Hawaii Strategic Plan* (3) Board of Regents and Office of the President of the University of Hawaii (GB)	1997-2007		X	X	X					X	X	X	X	X		X
(1) Idaho[3] *(2) Statewide Strategic Plan* (3) State Board of Education (CB)	2000-2005		X		X			X	X		X			X		
(1) Illinois[4] *(2) Master Plan Policies for Illinois Higher Education* (3) Board of Higher Education (CA)	Issued September 1997	X		X					X		X	X	X	X		

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
(1) **Indiana** *(2) The Indiana Plan for Postsecondary Education: Phase One Volumes 1 and 2* (3) Commission for Higher Education (CA)	Volume 1- 1972 Volume 2- 1973	X									X		X	X		
(1) **Iowa** *(2) Investing in the Future* (3) State Board of Regents (GB)	1998-2003			X	X		X				X		X			X
(1) **Kansas** *(2) A Plan for Coordination of Kansas Postsecondary Education* (3) Kansas Board of Regents (GB)	2000-04					X				X	X	X	X	X		

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
(1) Kentucky *(2) 2020 Vision: An Agenda for Kentucky's System of Postsecondary Education* (3) Kentucky Council on Postsecondary Education (CB)	1998-2020			X					X	X	X[5]	X	X	X	X	
(1) Louisiana *(2) Master Plan for Public Postsecondary Education* (3) Board of Regents (CB)	Issued March 2001		X							X	X	X	X	X	X	
(1) Maryland *(2) 2000 Maryland State Plan for Postsecondary Education* (3) Maryland Higher Education Commission (CB)	2000-02		X	X		X	X		X	X	X	X		X	X	

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
(1) **Mississippi** *(2) Plan of Excellence: IHL System Strategic Plan* (3) Board of Trustees of State Institutions of Higher Learning (GB)	Issued September 2000			X	X					X						X
(1) **Missouri**[6] *(2) The Coordinated Plan for Missouri Higher Education* (3) Coordinating Board for Higher Education (CB)	2001-06					X				X				X		

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
(1) **Montana** *(2) Strategic Plan of the Montana University System* (3) Board of Regents of Higher Education (GA)	Not included			X						X	X					X
(1) **Nebraska** *(2) Comprehensive Statewide Plan for Postsecondary Education* (3) Coordinating Commission for Postsecondary Education (CB)	Issued November 2000			X		X	X		X	X	X	X	X	X	X	X
(1) **Nevada** *(2) A Draft of a Master Plan for Higher Education in Nevada* (3) Board of Regents of the University and Community College System of Nevada (GA)	2001-10		X				X	X	X	X	X	X		X		

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
(1) **New Jersey** *(2) New Jersey's Plan for Higher Education: 1999 Update* (3) New Jersey Commission on Higher Education (CA)	Issued July 1999			X	X				X	X			X		X	X
(1) **New York** *(2) Excellence and Opportunity for All New Yorkers* (3) Regents of the University of the State of New York (CA)	1996-2004			X					X		X	X			X	
(1) **North Carolina** *(2) Long Range Planning* (3) Board of Governors of the University of North Carolina (CB & GB)	2000-05		X	X		X				X	X			X	X	

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
(1) North Dakota *(2) A North Dakota University System for the 21st Century* (3) Higher Education Interim Committee Roundtable	Issued May 2000			X	X	X				X	X		X			
(1) Ohio *(2) The Challenge is Change* (3) Ohio Board of Regents (CA)	Issued November 1996	X		X	X	X				X	X	X	X	X		

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
(1) **Oklahoma** *(2) Final Report and Recommendations of the Citizens' Commission on the Future of Oklahoma Higher Education* (3) Citizens' Commission	Issued October 1997	X		X			X		X	X	X		X			
(1) **Rhode Island** *(2) Board Priorities for 2001-2004 – A System Plan* (3) Rhode Island Board of Governors for Higher Education (GB)	2001-04			X		X	X			X	X		X		X	
(1) **South Carolina** *(2) Strategic Plan for Higher Education* (3) Commission on Higher Education (CA)	Issued January 2000	X		X		X				X	X	X	X		X	
(1) **South Dakota** *(2) Access to Quality* (3) Board of Regents (GB)	Issued May 1996	X		X					X		X		X			X

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
(1) Tennessee *(2) Statewide Master Plan* (3) Tennessee Higher Education Commission (CA)	2000-05	X		X	X	X	X		X	X	X	X	X	X		X
(1) Texas *(2) Closing the Gaps, by 2015* (3) Texas Higher Education Coordinating Board (CB)	2000-15		X			X			X		X				X	
(1) Utah *(2) Master Plan 2000* (3) State Board of Regents (GA)	2000-2010			X			X		X	X	X		X	X		
(1) Virginia *(2) Final Report of the Governor's Blue Ribbon Commission on Higher Education* (3) Blue Ribbon Commission	Issued February 2000			X	X		X		X	X		X	X	X		

(1) State (2) Title of Plan (3) Issuing Body	Effective Dates	Program Review	Enrollment	Technology	Performance Indicators	P-16	Tuition	Increase State Appropriations	Financial Aid	Economic Development	Access	Community Colleges	Finance	Institutional Mission/Role Review	Teacher Preparation	Diversity
(1) Washington *(2) 2000 Master Plan for Higher Education* Washington State (3) Higher Education Coordinating Board (CB)	Issued January 2000		X	X		X	X		X							

[1]The recent changes in Florida's governance structure have resulted in the elimination of the Postsecondary Education Planning Commission and the creation of the Council for Education Policy, Research and Improvement (CEPRI). While *Challenges and Choices* is the most recent master plan for higher education in Florida, CEPRI is in the process of developing a K-20 long-range master plan.

[2] *Challenges and Choices: Access Supplement #1 to The Master Plan for Florida Postsecondary Education* was issued in February 1999. The supplement "presents a recommended course of action for the legislature and the postsecondary boards" with respect to access.

[3] The strategic plan includes the direction of elementary, secondary and postsecondary public education.

[4] In addition to the *Master Plan Policies for Illinois Higher Education*, a supplement was issued in February 1999, which addresses issues of economic development, teacher preparation and diversity. This supplement is entitled *The Illinois Commitment: Partnerships, Opportunities, and Excellence* and is available at http://www.ibhe.state.il.us/Board/Agendas/1999/February/1999-02-07.pdf. Also, the committee on access and diversity issued a report in August 2001 that is available at http://www.ibhe.state.il.us/Board/Agendas/2001/August/Item%204.pdf.

[5] The *1997-2002 Kentucky Plan for Equal Opportunities in Higher Education*, issued by the Council on Postsecondary Education is the third desegregation plan since 1982. It directs the state's effort to assure opportunities for participation in all levels and areas of higher education, regardless of race and is available at http://www.cpe.state.ky.us/pubs/eeo.htm.

[6] Teacher preparation, financial assistance, strategic funding and technology innovations are initiatives of the Coordinating Board for Higher Education mentioned in *The Coordinated Plan* but not detailed.

TABLE 2
MASTER/STRATEGIC PLANS ADDRESSING TUITION

Arizona	Increase tuition
Florida	Increase tuition to national averages
Iowa	Growth in tuition and fees
Maryland	Moderate and then reduce the rate of growth of tuition and fees
Nebraska	Maintain moderate tuition
Nevada	Increase tuition
Oklahoma	Increase tuition
Rhode Island	Asks the tuition study committee to review the pros and cons of differentiated tuition charges
Tennessee	Limit tuition to 40% of cost of instruction
Utah	Consider additional variable and market-driven tuition policies
Virginia	Tuition was decreased in 1998 by 20% and frozen at this level until 2002
Washington	Urges legislature to link increases in tuition to changes in state per capita personal income

TABLE 3
THE SIX STATES CURRENTLY REWRITING/WRITING NEW MASTER/STRATEGIC PLANS FOR HIGHER EDUCATION

Alabama	*The Enhancing Our Strengths through a Shared Vision: Planning for Alabama Higher Education 1996 – 2000* is the most recent state plan. It is anticipated that the new master plan will be released in the summer of 2002.
Arkansas	*The Arkansas Higher Education Strategic Plan* adopted in 1996 is the most recent plan and is not available. The creation of a new strategic plan was stopped because of a change in leadership.
California	A draft of *A Master Plan for Education - Kindergarten through University* will be available in March 2002. The final version should be available in October 2002. A framework for the master plan was released in August 2000 and the Working Groups Interim report was released in September of 2001. Both documents are available at http://www.sen.ca.gov/masterplan/Reports.htp .
Georgia	The Board of Regents of the University System of Georgia is in the process of writing a strategic plan that should be completed around January 2002.
Pennsylvania	The last master plan for higher education was adopted in 1986. The State Board of Education has been in the process of developing a new master plan for the past six years and their work is ongoing.
West Virginia	The Higher Education Policy Commission is in the process of writing a master plan for higher education. It is expected out in late fall 2001.

TABLE 4
STATES WITHOUT MASTER/STRATEGIC PLANS FOR HIGHER EDUCATION

Alaska	Alaska does not have a master/strategic plan for postsecondary education.
Connecticut	While Connecticut does not have a master/strategic plan for postsecondary education, a *Strategic Plan to Ensure Racial and Ethnic Diversity in Connecticut Public Higher Education* is available at http://www.ctdhe.org/info/pdfs/StrategicPlan2001.pdf. In addition, *Transforming Connecticut Higher Education: An Agenda for Excellence into the 21st Century*, a report of the Public Agenda Advisory Council was issued on April 2, 1998 and addresses economic development, technology and access. It is available at http://www.ctdhe.org/info/oldreports/rptTransform.htm.
Delaware	While Delaware does not have a master/strategic plan for postsecondary education, part of the Department of Education's Master Plan is dedicated to providing a seamless transition from high school to college and contains information on access to college.
Maine	Maine does not have a master/strategic plan for postsecondary education. However, the *Maine Idea*, a 2001 report to the Maine State Legislature by the chancellor of the University of Maine System is available at http://www.maine.edu/maineidea.html.
Massachusetts	A published master/strategic plan for postsecondary education is not available for Massachusetts.
Michigan	Michigan does not have a master/strategic plan for postsecondary education.
Minnesota	Minnesota does not have a master/strategic plan for postsecondary education.
New Hampshire	New Hampshire does not have a master/strategic plan for postsecondary education. New Hampshire's two institutional governing boards -- the Board of Trustees of the University of New Hampshire system and the State Board of Vocational-Technical Education -- carry out planning functions for their respective institutions. The Board of Trustees for the University System of New Hampshire will be meeting and developing a series of goals for the university system at a retreat in late fall 2001.
New Mexico	New Mexico does not have a master/strategic plan for postsecondary education. In May 2001, however, a *Public Agenda for Higher Education* was issued. Central themes to the *Public Agenda* include economic development, access and collaborative work with K-12 education.
Oregon	Oregon does not have a master/strategic plan for postsecondary education. The Board of Higher Education, however, has adopted performance measures and indicators that are available at http://www.ous.edu/aca/performance_report.htm.
Vermont	While Vermont does not have a statewide master/strategic plan for postsecondary education, *An Alliance for Learning and Opportunity: The First Report of the Vermont Public Education Partnership* was released on January 29, 2001, addressing issues of distance learning, preK-20 alignment and workforce education and training among others. Reports by the Vermont

	Commission on Higher Education Funding also contain fiscal reports presented to Vermont legislators.
Wisconsin	Wisconsin does not have a master/strategic plan for postsecondary education. In June 1996, however, the University of Wisconsin (UW) System Board of Regents issued *A Study of the UW System in the 21st Century,* which contains directions relative to access, affordability and distance education. It is available at http://www.uwsa.edu/bor/21centry.htm.
Wyoming	Wyoming does not have a master/strategic plan for postsecondary education. However, the University of Wyoming, the sole public senior institution in the state, has an *Academic Plan 1999-2004* that is available at http://uw-docs.uwyo.edu/theplan/.

TABLE 5
CONTACT INFORMATION OR WEB LINKS TO MASTER/STRATEGIC PLANS FOR HIGHER EDUCATION

Arizona	www.gtfhe.state.az.us
Colorado	www.state.co.us/cche/agenda/mayiva1.html
Florida	http://www.cepri.state.fl.us/new_mpln.htm
Hawaii	http://www.hawaii.edu/ovppp/stratplan/stratplan.pdf
Idaho	http://www.sde.state.id.us/osbe/straPlan.htm
Illinois	Contact the Illinois Board of Higher Education at 217-524-3494.
Indiana	Contact the Indiana Commission for Higher Education at 317-464-4400, extension 30.
Iowa	http://www2.state.ia.us/regents/stratplan.html
Kansas	Contact the Kansas Board of Regents at 785-296-1237.
Kentucky	http://www.cpe.state.ky.us/issues/2020visn.htm
Louisiana	http://webserv.regents.state.la.us/pdfs/Planning/masterplan2001.pdf
Maryland	http://polar.mhec.state.md.us/Publications/NewStatePlan/stateplan.htm
Mississippi	http://www.ihl.state.ms.us/body_board_of_trustees.html

Missouri	Contact the Missouri Department of Higher Education at 573-751-2361.
Montana	http://www.montana.edu/wwwbor/StratPlan.htm
Nebraska	http://www.ccpe.state.ne.us/PublicDoc/CCPE/complantoc.asp
Nevada	http://www.nevada.edu/index2.html
New Jersey	http://www.state.nj.us/highereducation/lrp99up.pdf
New York	http://www.highered.nysed.gov/st_plan.htm
North Carolina	http://www.northcarolina.edu/aa/planning/reports/longplan/contents.cfm
North Dakota	http://www.ndus.nodak.edu/Upload/allfile.asp?id=332&tbl=MultiUse
Ohio	http://www.regents.state.oh.us/plandocs/masterplan96.html A Progress report to *The Challenge is Change: The 1996 Master Plan of the Ohio Board of Regents* was issued on May 15, 1998, and is available at http://www.regents.state.oh.us/plandocs/progress0598.html.
Oklahoma	http://www.okhighered.org/planningcommission.pdf
Rhode Island	Contact the Rhode Island Board of Governors for Higher Education at 401-222-6560.
South Carolina	http://www.che400.state.sc.us/web/Perform/IE/Introduction/New%20Strategic%20Plan%202000.htm
South Dakota	http://www.ris.sdbor.edu/publication/Access_to_Quality_Planning/accesq.htm
Tennessee	http://www.state.tn.us/thec/mastplan.pdf
Texas	http://www.thecb.state.tx.us/AdvisoryCommittees/HEP/HEplanFinal.PDF
Utah	http://www.utahsbr.edu/assets/download/masterplan2000.pdf
Virginia	http://www.schev.edu/html/reports/final_report.pdf
Washington	http://www.hecb.wa.gov/policy/masterplan/Documents/MasterPlan.pdf

Written by John Borgen, ECS research assistant.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

961

ECS StateNotes

State Leadership Academies

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

Statewide Leadership Academies: A 50-State Scan

May 2001

From this search, 25 states have been identified as having some sort of statewide leadership academy, consortium or institute. If states do not refer to their leadership academy on the state department of education Web page, then they may not be listed in this document.

Some highlights:

- Most academies (in 22 states) are for *both* principals and superintendents. Four programs are for principals only.
- Some programs also are open to teachers and other staff members wishing to take a leadership role in their school or district.
- Most, but not all of these programs, are funded through or sponsored at least partially by the state department of education.
- The Bill and Melinda Gates Foundation have funded at least 18 states to develop or continue current leadership academies around the use of technology.

This information is based on a search of: Lexis-Nexis, state department of education Web sites and the Gates Foundation leadership academy grant recipients. This information has not been verified by any staff member at the state offices.

STATE	Is there a statewide leadership academy?	What does the academy focus on?
Alabama	No	
Alaska	Yes	The Alaska Staff Development Network provides training and professional development to school staff working collaboratively with education organizations throughout Alaska, including the Alaska Department of Education. They offer several academy experiences, including ones relating to instructional leadership issues.
Arizona	Yes	The Arizona K-12 Center will provide professional development for principals and superintendents through the Leadership Institutes for Technology. Arizona has received a grant from the Gates Foundation to support this work.
Arkansas	Yes	Arkansas has two statewide programs called the Arkansas Leadership Academy and the Arkansas Administrators Institute. Arkansas also received a grant from the Gates Foundation ($1.6M) to integrate technology into instructional leadership practices and provide leaders with activities to develop this capacity within their leadership academy.

California	Yes	The California School Leadership Academy (CSLA) is a statewide program that helps practicing administrators and teachers in leadership positions strengthen their instructional leadership skills. CSLA is funded by the California legislature through the California Department of Education.
Colorado	Yes	Sponsored by a grant from the Gates Foundation ($1.6M) the Technology Leadership Academies focuses on understanding technology's role in improving student learning. These academies are for principals, teachers and administrators.
Connecticut	No	
Delaware	No	
Florida	Yes	Florida Leaders.net is a statewide educational leadership initiative of the Florida Department of Education designed to provide school leaders with support in incorporating schoolwide technology planning into the school improvement process. Florida has received $5.5 million from the Gates Foundation.
Georgia	Yes	The Georgia Leadership Academy provides relevant leadership development programs that enable Georgia school instructional/administrative personnel and teachers to develop, update and expand knowledge and skills required for creating optimal teaching and learning communities. It is funded through the Georgia Department of Education.
Hawaii	No	
Idaho	Yes	The Idaho Administrators Technology Academy, funded by the Gates Foundation at $750,000 is aimed to help school administrators become instructional leaders for their teachers in the area of technology.
Illinois	Yes	The School Administrators Development Institute at Illinois State University is for superintendents and principals to develop leadership in schools for productive use of institutional and administrative technologies. Partially funded by the Gates Foundation at $2.25 million.
Iowa	No	
Indiana	Yes	For public and private school principal and superintendents. Indiana also receive a Gates grant ($1.8M) to add technological competency to its programs.
Kansas	Yes	The Principal Leadership Institute is an approximately 10-day training for principals to improve leadership skills, sharpen the focus on instruction and learning, examine strategic change options, and learn about the collection and analysis of data for decisionmaking. The institute is jointly sponsored by the Kansas Department of Education and United School Administrators.
Kentucky	Yes	The Kentucky Leadership Academy builds the leadership capacity of instructional leaders to improve student performance through focused research-based strategies and key components for school improvement as modeled by the Highly Skilled Educators (HSE's). Sponsored by the Kentucky Department of Education and Kentucky Association of School Administrators.
Louisiana	Yes	The Louisiana LEADTech initiative is funded through the Gates Foundation at $1.2 million. It will prepare school principals and district superintendents with an in-depth understanding of the role of instructional technology as it relates to school improvement.

Maine	Yes	The "Leading to Change" academy funded by the Gates Foundation at $1.3 million provides administrators with program experiences to understanding the use of technology as a tool to help all students achieve high standards.
Maryland	No	
Massachusetts	Yes	The Gates Foundation has funded the Technology Leadership Consortium at $3.3 million. The Consortium provides district leaders with professional development activities to help them establish the "essential conditions" for the effective use of technology in their schools and districts.
Michigan	No	
Minnesota	No	
Mississippi	Yes	The Technology Academy for School Leaders is funded by the Gates Foundation at $1.1 million. The Academy is meant to facilitate the integration of technology in the total district/school environment and enhance principal's and superintendent's technology leadership skills in support of teaching, learning and data-driven decisionmaking.
Missouri	Yes	The Missouri Leadership Academy is a part of the Missouri Department of Education and seeks to develop leaders beyond the principal and superintendent to include teachers, parents, students and community stakeholders in the attributes of leadership that support school improvement.
Montana	No	
Nebraska	No	
Nevada	No	
New Hampshire	No	
New Jersey	Yes	The New Jersey Education Leadership Institutes for Technology in Education (ELITE) is for superintendents and principals and focuses leadership development on whole-systems change and technological integration. Funded by the Gates Foundation at $5.1 million.
New Mexico	No	
New York	No	
North Carolina	Yes	The Principal's Executive Program (PEP) in North Carolina is an organization of the University of North Carolina. It conducts professional development programs for principals, assistant principals and other leadership personnel on North Carolina's public schools. It was established in 1984 by the North Carolina General Assembly. PEP also has recently received a grant from the Gates Foundation at $2.95 million to develop principals as technology leaders through the PEP program.
North Dakota	No	
Ohio	Yes	The Ohio Principal's Leadership Academy (OPLA) is a two-year program grounded in the day-to-day experiences of practicing principals. OPLA is a partnership between Ohio's education, business, community and public leaders that aims to benefit students, schools and communities through the behaviors of principals and staff teams.
Oklahoma	No	The Oklahoma State Department of Education does sponsor an annual two-day leadership conference.
Oregon	No	
Pennsylvania	Yes	The Principals Leadership Academy offers 20 hours of professional development at four sites across the state

		during four days in the summer and fall, and is jointly sponsored by the Pennsylvania Association of Elementary and Secondary School Principals, the Pennsylvania Educational Leadership Foundation and the Pennsylvania Department of Education.
Rhode Island	Yes	The Leadership Initiative for Principals and Superintendents has received a Gates Foundation grant of $780,000 to develop school and district leaders for their emerging role in technology. This grant application was submitted by the Rhode Island Foundation.
South Carolina	No	
South Dakota	Yes	The Technology Leadership Program for School Administrators is a program funded by the Gates Foundation at $675,000 to support activities that prepare school leaders, superintendents and principals for their emerging role in technology. The focus is on whole-systems technology integration.
Tennessee	No	
Texas	Yes	Technology Leadership Academy for Superintendents and Principals is a collaborative effort headed by the University of North Texas, with partners including the Texas Education Agency and the Texas Higher Education Coordinating Board. The academy recently obtained more funding by the Gates Foundation of $6.3 million.
Utah	No	
Vermont	No	
Virginia	No	
Washington	Yes	Smart Tools Academy funded by the Gates Foundation at $2.0 million to ensure that all Washington principals and superintendents share a vision and an understanding of the ways that technology can support and improve student learning.
West Virginia	Yes	Learning Educational Administration from a Distance (LEAD) Academy is funded by the Gates Foundation at $1.2 million to prepare superintendents and principals for their emerging role in technology.
Wisconsin	No	
Wyoming	No	

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

This StateNote was researched and written by Katy Anthes, ECS policy analyst. If you have information to add to this document please call 303.299.3635.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

Open Enrollment

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Open Enrollment

August 2001

Overview

To one degree or another, open-enrollment state policies allow a student to transfer to the public school of his or her choice. There are two basic types of open-enrollment policies in place in the states. First, intradistrict open-enrollment policies allow a student to transfer to another school within his or her school district. These policies are either mandatory or voluntary in nature, depending on the state. Mandatory policies require districts within a state to participate in the program, often given that space is available in the district. Voluntary policies allow districts to choose whether to participate, again often given that space is available in the district.

Second, interdistrict open-enrollment policies allow a student to transfer to another school within another school district. These policies are also either mandatory or voluntary in nature. In addition, they often require both the sending district and the receiving district to agree to participate in the interdistrict open-enrollment program.

In total, 33 states and Puerto Rico have enacted open enrollment policies. Nine states have enacted policies that specifically allow intradistrict open enrollment; six are mandatory and three are voluntary. Twenty-six states have enacted policies that specifically allow interdistrict open-enrollment policies; 10 are mandatory and 16 are voluntary. Nine states have enacted policies that specifically allow both intradistrict and interdistrict open-enrollment programs; two are mandatory and seven are voluntary. There is some overlap among these states, as 11 states have enacted multiple policies to govern intradistrict and interdistrict open enrollment.

It is also important to note that four states have enacted open-enrollment policies specifically geared to address racial imbalances in schools and school districts. These states are Connecticut, Massachusetts, Missouri and Wisconsin.

This *ECS StateNote* addresses some of the policy questions related to open enrollment, as well as the levels of participation in these programs.

Open Enrollment Policies

Table 1 addresses the following open-enrollment policy questions:

- Does the state's open-enrollment policy have an intradistrict focus (i.e., it allows a student to transfer to another school within his or her school district) or interdistrict focus (i.e., it allows a student to transfer to another school within another school district)?
- Are school districts required to participate in the program?
- How does the state's open-enrollment policy address the transportation costs of the students in the program?
- How does the state's open-enrollment policy address desegregation court orders and/or plans?

Table 1

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Arizona	Interdistrict	Yes	The student's parent or guardian is responsible for paying the cost of transportation. A receiving district, however, may provide transportation to nonresident low-income students for up to 20 miles each way and must provide transportation to nonresident special education students for up to 20 miles each way.	A school must admit pupils who reside in the attendance area of a school that is under a desegregation court order or that is a party to an agreement with the U.S. department of education's office for civil rights directed toward remediation of alleged or proven racial discrimination, unless notice is received from the resident school that the admission would violate the court order or agreement. If a school admits a pupil after notice is received that the admission would constitute such a violation, the school's district is not allowed to include in its student count the pupils wrongfully admitted. A school is not required to admit nonresident or resident transfer pupils if the admission would violate the provisions of the court order or agreement.

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Arkansas	Intradistrict and Interdistrict	No. A school district is required to enact a resolution, though, determining whether it will admit nonresident pupils to its schools.	The student's parent or guardian is responsible for paying the cost of transportation. A sending or receiving district, however, may provide transportation to students.	No student may transfer to a district where the percentage of enrollment for the student's race exceeds that percentage in his resident district, except if: all districts within a county have voted to participate in the program; the transfer is between two districts within the county; and racial balance percentages remain within an acceptable range. A transfer is exempt from these restrictions if each district within a county does not have a critical mass of minority students of more than 10% of any single race. In instances when these provisions result in a conflict with a desegregation court order or a district's court-approved desegregation plan, the terms of the order or plan govern.
California	Intradistrict	Yes. This policy also requires schools to participate in the program.	The student's parent or guardian is responsible for paying the cost of transportation. Upon the request of the pupil's parent or guardian and demonstration of financial need, however, each district must provide transportation assistance to the extent that the district otherwise provides transportation assistance to pupils.	Districts retain the authority to maintain appropriate racial and ethnic balances among their respective schools at the districts' discretion or as specified in applicable court-ordered or voluntary desegregation plans.
California	Interdistrict	No	The student's parent or guardian is responsible for paying the cost of transportation. Upon request of the student's parent or guardian, however, each receiving school district must provide transportation assistance within the boundaries of the district to the extent that the district otherwise provides transportation assistance to pupils.	Either the sending or receiving district may prohibit the transfer of a pupil if the transfer negatively affects the court-ordered desegregation plan of the district, the voluntary desegregation plan of the district or the racial balance of the district.

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Colorado	Interdistrict	Yes	Not Addressed	Any district may deny any of its resident pupils or any nonresident pupils from other districts within the state permission to enroll in particular programs or schools within such district because a desegregation plan is in effect for the district, and such denial is necessary in order to enable compliance with such desegregation plan.
Connecticut	Intradistrict	No	The student's parent or guardian is responsible for paying the cost of transportation. Boards of education, however, may provide transportation services to students participating in the program.	Not Addressed
Connecticut	Intradistrict and Interdistrict	No	Not Addressed	On a biennial basis, local and regional board of educations must report to the regional educational service center for its area on the programs and activities, including open enrollment, undertaken in its district to reduce racial, ethnic and economic isolation, including (1) information on the number and duration of such programs and activities and the number of students and staff involved, and (2) evidence of the progress over time in the reduction of racial, ethnic and economic isolation.

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Connecticut	Interdistrict	In the 1998-99 school year, the state began phasing in an open-enrollment program. By the 2001-02 school year, the program will be in operation in every priority district in the state, as well as in those districts in the area of a priority district as determined by the regional educational service center.	The state department of education is required to provide grants to regional educational service centers or local or regional boards of education for the reasonable cost of transportation for students participating in the program, provided the statewide average of such grants does not exceed an amount equal to $2,100 for each student transported.	One of the purposes of the program is to reduce racial, ethnic and economic isolation or preserve racial and ethnic balance.

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Delaware	Intradistrict	Yes	The parent of any child participating in the program is responsible for transporting the child without reimbursement to and from a point on a regular bus route in the district. Low-income students are entitled to receive from the state a payment equal to the average cost per student of transportation within the district. Eligible students in grades 9 through 12 may receive passes entitling the student to free public transportation on regular bus routes on school days between the student's home and a point on a regular bus route of the district.	If approval of all of the applications for transfer in a district will result in the district being out of compliance with any applicable court-ordered desegregation plan, the district is required to establish the number of majority and minority group pupils who may transfer in a district.
Delaware	Interdistrict	Yes	The parent of any child participating in the program is responsible for transporting the child without reimbursement to and from a point on a regular bus route of the receiving district. Low-income students are entitled to receive from the state a payment equal to the average cost per student of transportation within the sending district. Eligible students in grades 9 through 12 may receive passes entitling the student to free public transportation on regular bus routes on school days between the student's home and a point on a regular bus route of the receiving district.	If approval of all of the applications for transfer into or out of a district will result in the district being out of compliance with any applicable court-ordered desegregation plan, the district is required to establish the number of majority and minority group pupils who may transfer into or out of the district.

155
20

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Florida	Interdistrict	No	The student's parent or guardian is responsible for paying the cost of transportation. Each district's system of priorities for its open-enrollment program must include consideration of the availability of transportation.	Districts are required to adhere to federal desegregation requirements. No open-enrollment plan that conflicts with federal desegregation orders may be implemented. Each district's system of priorities for its open-enrollment program must include consideration of the procedures to maintain socioeconomic, demographic and racial balance.
Idaho	Intradistrict and Interdistrict	No	For intradistrict transfers, parents or guardians are responsible for transporting pupils to and from an appropriate bus stop. For interdistrict transfers, parents or guardians are responsible for transporting the pupil to and from the school or to an appropriate bus stop within the receiving district.	Not Addressed
Indiana	Intradistrict. This policy only applies to the Indianapolis Public Schools.	Yes. This policy only applies to the Indianapolis Public Schools.	Not Addressed	Not Addressed
Indiana	Interdistrict	No	Not Addressed	Not Addressed

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Iowa	Interdistrict	Yes	The parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. If the pupil meets economic eligibility requirements, the sending district is responsible for providing transportation or paying the pro rata cost, up to the average transportation cost per pupil for the sending district, of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district. Sending and receiving districts may agree on other arrangements for transportation and reimbursement.	The superintendent of a district subject to voluntary or court-ordered desegregation may deny a request for transfer if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation court order or plan. If, however, a transfer request would facilitate a voluntary or court-ordered desegregation plan, the district shall give priority to granting the request over other requests.
Louisiana	Interdistrict	No	Not Addressed	Not Addressed
Maine	Interdistrict	No	In some cases, the student's parent or guardian is responsible for paying the cost of transportation. In other cases, the sending district is responsible for paying the cost of transportation.	Not Addressed
Massachusetts	Interdistrict (Open-Enrollment Program to Eliminate Racial Imbalance)	No	The state is responsible for paying the cost of transportation.	The school committee of any city, town or regional district may adopt a plan for attendance at its schools by any child who resides in another city, town or regional district in which racial imbalance exists in a public school.

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Massachusetts	Interdistrict (Open-Enrollment Program To Encompass Students Who Are Not Participating in the Open-Enrollment Program to Eliminate Racial Imbalance)	No	The student's parent or guardian is responsible for paying the cost of transportation. In certain cases, however, the state reimburses the transportation costs of students from low-income families.	Not Addressed
Michigan	Interdistrict	No	The student's parent or guardian is responsible for paying the cost of transportation.	If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, this policy is subject to the court order.
Minnesota	Interdistrict	Yes	The student's parent or guardian is responsible for paying the cost of transportation from the student's residence to the border of the receiving district. If requested by the student's parent or guardian, the receiving district will then provide transportation from the border to the school. Also, if a student is from a low-income family, he or she may be reimbursed by the receiving district for the costs of transportation from the student's residence to the border of the receiving district.	A sending or receiving district that has a desegregation plan approved by the chief state school officer must accept or reject each individual application in a manner that will enable compliance with its desegregation plan.

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Missouri	Interdistrict. This is a statewide policy, although it does not apply to any district in a county of the first classification having a charter form of government or to any district within the city of St. Louis, which exempts 42 districts in 3 counties.	No	Not Addressed	Whenever there is a federal court-ordered desegregation directive for a school district, enrollment options pursuant to this policy are subject to the approval of the court of continuing jurisdiction and the court order shall govern.
Missouri	Interdistrict. This policy creates a voluntary, interdistrict open-enrollment program in the St. Louis metropolitan area.	No	The Voluntary Interdistrict Choice Corporation, which operates this program, is responsible for paying the cost of transportation.	This policy was enacted to continue the voluntary, interdistrict open-enrollment programs that were in place upon settlement of the federal desegregation case affecting the St. Louis School District.

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Nebraska	Interdistrict	Yes	The student's parent or guardian is responsible for paying the cost of transportation. Parents or guardians of students who qualify for free lunches are eligible for transportation reimbursement. A district may, upon mutual agreement with the parent or guardian of a student, provide transportation to the student on the same basis as provided for resident students. A district may charge the parents of each student transported a fee sufficient to recover the additional costs of such transportation. The state department of education is required to reimburse the receiving school district for transportation expenses paid to the parents of qualifying students or incurred in actual transportation of qualifying students. Sending districts are required to provide transportation to special education students, and must be reimbursed by the state department of education.	A sending or receiving district that has a desegregation plan must accept or reject each individual application in a manner that will enable compliance with its desegregation plan. Districts with desegregation plans may adopt standards for acceptance or rejection of applications for transfer into or out of the district that are designed to make desegregation easier to maintain or improve.
New Hampshire	Intradistrict and Interdistrict	No	For intradistrict transfers, the district is responsible for providing transportation. For interdistrict transfers, the student's parent or guardian is responsible for paying the cost of transportation.	Not Addressed

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
New Jersey	Interdistrict. This policy creates a limited five-year pilot program that allows for the voluntary establishment of 21 choice districts, with one per county. Students within a 20-mile radius of the established choice district may apply to attend the choice district.	No	Transportation, or aid in lieu of transportation, shall be provided to an elementary school pupil who lives more than two miles from the receiving district's school of attendance and to a secondary school pupil who lives more than two and one-half miles from the receiving district's school of attendance, provided the receiving district's school is not more than 20 miles from the residence of the pupil. Transportation, or aid in lieu of transportation, shall be the responsibility of the receiving district.	The chief state school officer may take appropriate action to provide that student population diversity in all districts is maintained. The actions may include, but are not limited to, directing a receiving district to take appropriate steps to successfully implement the district's plan for maintaining student population diversity, restricting the number of choice program students from a sending district or the authority of a receiving district to accept choice program students in the future and revoking approval of the receiving district as a choice district.
New Mexico	Intradistrict and Interdistrict	No	Not Addressed	Not Addressed
New York	Interdistrict	No	Not Addressed	Not Addressed

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
North Dakota	Interdistrict	No	A student's parent or guardian is responsible for paying the cost of transportation. A sending district may provide transportation to a student. A receiving district may provide transportation to a student, and is then entitled to state payments for the transportation of a student.	Not Addressed
Ohio	Intradistrict	Yes	A student's parent or guardian is responsible for transporting the student. If, however, either a student can be picked up and dropped off at a regular bus stop designated in accordance with the district's transportation policy or the district is required to provide additional transportation to the student in accordance with a court-approved desegregation plan, then the district is responsible for transporting the student.	Each district's intradistrict open-enrollment policy must include procedures for ensuring that an appropriate racial balance is maintained in the district's schools.

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Ohio	Interdistrict	No. A district is required to enact a resolution, though, determining whether it will admit nonresident pupils to its schools.	A student's parent or guardian is responsible for transporting the student. Upon request of a parent, and provided the district offers transportation to native students of the same grade level and distance from school, a district must provide transportation for the student within the boundaries of the district, expect that the district is required to pick up and drop off a non-handicapped student only at a regular school bus stop designated in accordance with the district's transportation policy. A district may reimburse parents for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.	Each district's interdistrict open-enrollment policy must include procedures for ensuring that an appropriate racial balance is maintained in the district's schools. Also, a district may object the enrollment of a resident student in another district in order to maintain an appropriate racial balance in the district.
Oklahoma	Interdistrict	Yes	Not Addressed	Not Addressed
Puerto Rico	Intradistrict and Interdistrict	Yes	Not Addressed	Not Addressed

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
South Dakota	Intradistrict and Interdistrict	Yes	A student's parent or guardian is responsible for transporting the student. Either the sending district or the receiving district may provide transportation to the student. A receiving district may charge a reasonable fee if the student elects to use the transportation services offered by the receiving district.	Not Addressed
Tennessee	Intradistrict and Interdistrict	No	Not Addressed	Student transfers must be exercised within the limitations of any existing court order or plan developed to comply with the state or federal constitution.
Texas	Intradistrict	No	Not Addressed	Not Addressed
Texas	Interdistrict	No	Not Addressed	Not Addressed

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Utah	Intradistrict	Yes	The parent or guardian of the student shall arrange for the student's transportation to and from school, except that the district shall provide transportation on the basis of available space on an approved route within the district to the school of the student's attendance if the student would be otherwise eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route. A district shall receive transportation monies for students who enroll in schools other than the regularly assigned school on the basis of the distance from the student's residence to the school the student would have attended had the intradistrict attendance option not been used.	Not Addressed

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Utah	Interdistrict	Yes	A student's parent or guardian is responsible for transporting the student. The sending district or the receiving district may provide bus transportation on any approved route. A receiving district must provide transportation for a student on the basis of available space on an approved route within the district to the school of attendance if the receiving district's students are eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route. The sending district of residence may not claim any state transportation costs for students enrolled in other school districts.	Not Addressed
Washington	Intradistrict	Yes	Not Addressed	Not Addressed
Washington	Interdistrict	Yes	Not Addressed	A district may deny the request of a resident student to transfer to a receiving district if the release of the student will adversely affect the district's existing desegregation plan.
West Virginia	Intradistrict	No	Not Addressed	Not Addressed
West Virginia	Interdistrict	No	Not Addressed	Not Addressed

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Wisconsin	Interdistrict (Statewide Open-Enrollment Program)	Yes	The student's parent or guardian is responsible for paying the cost of transportation. Low-income parents may apply to the state for reimbursement of their transportation costs. Either the receiving district or the sending district may provide transportation to students. The receiving district, however, is prohibited from picking up or dropping off a student within the boundaries of the sending district. Only the receiving district may receive state categorical transportation aid for transporting students.	A district shall reject any application for transfer into or out of the district if the transfer will increase racial imbalance in the district.

State	Intradistrict or Interdistrict?	Required School District Participation?	Transportation Costs?	Desegregation Provisions?
Wisconsin	Intradistrict and Interdistrict (Chapter 220 Program)	No	Transportation for a pupil attending a public school in a receiving district shall be provided pursuant to agreement between the sending district and the receiving district. If either the sending district or the receiving district operates a program of intradistrict transfers, that district shall be responsible for the cost of transportation. The district may meet this responsibility either by contracting directly for provision of transportation or by reimbursing another district for the cost of such a contract. Transportation for a pupil attending a public school outside his or her attendance area of residence may be provided by his or her district. A district providing transportation may not claim transportation aid for pupils so transported. A district that transports a pupil who moves outside his or her attendance district during the school year to the school in the pupil's former attendance district may use intradistrict transfer aid to pay the costs of transporting the pupil.	The primary goal of the Chapter 220 Program is to promote racial integration in the Milwaukee school district and its surrounding suburban districts. Therefore, pupil transfers resulting from a plan implemented by a district to reduce racial imbalance in a district or attendance area are eligible for state aid under this policy.
Wyoming	Interdistrict	No	Not Addressed	Not Addressed

Levels of Participation by School Districts, Schools and Students

Table 2 addresses the following questions:

- What is the level of participation by school districts in the state's open-enrollment policy?
- What is the level of participation by schools in the state's open-enrollment policy?
- What is the level of participation by students in the state's open-enrollment policy?

Table 2

State	Level of Participation by School Districts?	Level of Participation by Schools?	Level of Participation by Students (% of Total Students)?
Arizona	N/A	N/A	N/A
Arkansas	168 of 310 in 1999-2000	N/A	2,252 in 1999-2000 (0.5%)
California (Intradistrict Transfers)	985 of 985 in 2000-01	N/A	N/A
California (Interdistrict Transfers)	N/A	N/A	127,736 in 1999-2000 (2.2%)
Colorado	130 of 176 in 1997-98	N/A	16,202 in 1997-98 (2.3%)
Connecticut	75 of 166 in 2000-01	200 of 1,000 in 2000-01	1,477 in 2000-01 (0.3%)
Delaware	N/A	N/A	N/A
Florida	18 of 67 in 2000-01	N/A	N/A
Idaho	N/A	N/A	N/A
Indiana (Intradistrict Transfers in the Indianapolis Public Schools)	1 of 1 (this policy only applies to the Indianapolis Public Schools)	N/A	N/A
Indiana (Interdistrict Transfers)	N/A	N/A	17,160 in 1999-2000 (3.4%)
Iowa	371 of 371 in 2000-01	N/A	N/A
Louisiana	N/A	N/A	N/A
Maine	N/A	N/A	7,103 in 2000-01 (0.7%)
Massachusetts	124 of 250 in 2000-01	N/A	N/A
Michigan	N/A	N/A	26,202 in 2000-01 (3.1%)
Minnesota	346 of 346 in 2000-01	N/A	N/A
Missouri (Interdistrict Transfers: Statewide Policy)	2 of 524 in 2000-01	N/A	N/A
Missouri (Interdistrict Transfers: St. Louis Metropolitan Area)	N/A	N/A	13,000 in 2000-01 (6.4%)
Nebraska	593 of 593 in 2000-01	N/A	N/A
New Hampshire	N/A	N/A	N/A

State	Level of Participation by School Districts?	Level of Participation by Schools?	Level of Participation by Students (% of Total Students)?
New Jersey	11 receiving districts and 27 sending districts out of 608 in 2000-01	14 schools in 11 receiving districts and 46 schools in 27 sending districts in 2000-01	96 in 2000-01 (out of a total of over 1,200,000 in 2000-01)
New Mexico	N/A	N/A	N/A
New York	N/A	N/A	N/A
North Dakota	173 of 227 in 2000-01	N/A	2,174 in 2000-01 (1.9%)
Ohio (Intradistrict Transfers)	N/A	N/A	N/A
Ohio (Interdistrict Transfers)	355 of 612 in 2000-01	N/A	22,895 in 2000-01 (1.2%)
Oklahoma	543 of 543 in 2000-01	N/A	35,000 in 2000-01 (5.6%)
Puerto Rico	N/A	N/A	N/A
South Dakota	N/A	N/A	N/A
Tennessee	N/A	N/A	N/A
Texas	N/A	N/A	N/A
Utah	N/A	N/A	N/A
Washington	N/A	N/A	N/A
West Virginia	N/A	N/A	N/A
Wisconsin (Interdistrict Transfers: Statewide Open Enrollment Program)	426 of 426 in 1998-99 enacted policies 424 of 426 in 1998-99 received applications to either transfer in or out of the district. 414 of 426 in 1998-99 approved applications to either transfer in or out of the district.	N/A	4,860 in 1999-2000 (0.6%)
Wisconsin (Intradistrict and Interdistrict Transfers: Chapter 220 Program)	24 in 1998-99	N/A	5,605 in 1998-99 (0.6%)
Wyoming	N/A	N/A	N/A

N/A = Not Available

State Statutes

The information within this *ECS StateNote* was gathered from reviewing state statutes and interviewing officials in state departments of education and legislatures throughout the country. Table 3 presents the relevant statutes for each state.

Table 3

State	Statute
Arizona	A.R.S. § 15-816 – § 15-816.07
Arkansas	Ark. Stat. Ann. § 6-18-206
California	Cal. Ed. Code § 35160.5 (Intradistrict Transfers) Cal. Ed. Code § 48209 – § 48209.17 (Interdistrict Transfers)
Colorado	Colo. Rev. Stat. § 22-36-101, § 22-36-106
Connecticut	Conn. Gen. Stat. §10-221e (Intradistrict Transfers) Conn. Gen. Stat. § 10-226h (Intradistrict and Interdistrict Transfers) Conn. Gen. Stat. § 10-266aa (Interdistrict Transfers)
Delaware	14 Del. C. § 414 (Intradistrict Transfers) 14 Del. C. § 401 – § 413 (Interdistrict Transfers)
Florida	Fla. Stat. § 228.057
Idaho	Idaho Code § 33-1401 – § 13-1408
Indiana	Burns Ind. Code Ann. § 20-31-4-1 -- § 20-3.1-4-2 (Intradistrict Transfers in Indianapolis Public Schools) Burns Ind. Code Ann. § 20-8.1-6.1-2 -- § 20-8.1-6.1-3 (Interdistrict Transfers)
Iowa	Iowa Code 256.11
Louisiana	La. R.S. 17:105
Maine	M.R.S.A. § 5203, § 5204, § 5205
Massachusetts	Mass. Ann. Laws ch. 71 § 37, ch. 76 § 12A (Interdistrict Transfers: Open-Enrollment Program to Eliminate Racial Imbalance) Mass. Ann. Laws ch. 76. § 12, ch. 76 §12B, ch. 76 § 12C (Interdistrict Transfers: Open-Enrollment Program To Encompass Students Who Are Not Participating in the Open-Enrollment Program to Eliminate Racial Imbalance)
Michigan	MCLS § 380.1401, § 388.1705, § 388.1705a, § 388.1705c
Minnesota	Minn. State. § 124D.03
Missouri	Mo. Rev. Stat. § 162.1040 -- § 162.1059 (Interdistrict Transfers: Statewide Policy) Mo. Rev. Stat. § 162.1060 (Interdistrict Transfers: St. Louis Metropolitan Area)
Nebraska	R.R.S. Neb. § 79-232 -- § 79-246
New Hampshire	RSA § 194-B:1 -- § 194-B:22
New Jersey	N.J. Stat. § 18A: 36B-1 -- § 18A: 36B-17
New Mexico	N.M. Stat. Ann. § 22-1-4
New York	N.Y. Educ. Law § 3202

State	Statute
North Dakota	N.C. Gen. Stat. § 15-40.3-01 -- § 15-40.3-13
Ohio	Ohio Rev. Code Ann. § 3313.97 (Intradistrict Transfers) Ohio Rev. Code Ann. § 3313.98, § 3313.981 (Interdistrict Transfers)
Oklahoma	70 Okl. St. § 8-101.1 -- § 8-112
Puerto Rico	18 L.P.R.A. § 911 -- § 911n
South Dakota	S.D. Codified Laws § 13-28-40 -- § 13-28-49
Tennessee	Tenn. Code Ann. § 49-6-3104 -- § 49-6-3105
Texas	Tex. Educ. Code § 25.031 -- § 25.034 (Intradistrict Transfers) Tex. Educ. Code § 25.035 -- § 25.039 (Interdistrict Transfers)
Utah	Utah Code Ann. § 53A-2-213 (Intradistrict Transfers) Utah Code Ann. § 53A-2-207 -- § 53A-2-212 (Interdistrict Transfers)
Washington	Rev. Code Wash. § 28A.225.270 (Intradistrict Transfers) Rev. Code Wash. § 28A.225.220, § 28A.225.225, § 28A.225.230, § 28A.225.240, § 28A.225.280, § 28A.225.290, § 28A.225.300, § 28A.225.310 (Interdistrict Transfers)
West Virginia	W. Va. Code § 18-5-16 (Intradistrict Transfers) W. Va. Code § 18-5-16a (Interdistrict Transfers)
Wisconsin	Wis. Stat. § 118.51, § 118.52, § 121.58 (Interdistrict Transfers: Statewide Open-Enrollment Program) Wis. Stat. § 121.85 (Intradistrict and Interdistrict Transfers: Chapter 220 Program)
Wyoming	Wyo. Stat. § 21-4-502

This *ECS StateNote* was compiled by Susie Bachler, research associate, and Todd Ziebarth, policy analyst, ECS National Center on Governing America's Schools, with financial support from the Joyce Foundation.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

State Funded Pre-Kindergarten Programs

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Eligibility Requirements for Students

Compiled by Jessica McMaken, researcher
Last Update March, 2002

State	Program	Eligible Children
Alabama	School Readiness (Preschool pilot sites)	
Alaska	Alaska Head Start Program	
American Samoa	No information currently available	
Arizona	Early Childhood State Block Grant	Families must be at or below 185% of the poverty level. (2)
Arkansas	Arkansas Better Chance	The program targets children who are identified as at risk due to poverty, low birth weight, disability, parents with substance abuse problems or other factors. (2)
California	State Preschool Program	3- and 4-year-olds living in families at or below 60-65% of the state median income. (2)
Colorado	Colorado Preschool Program (CPP)	4- or 5-year-olds who will be eligible for kindergarten the following year. Priority for children with risk factors associated with school problems, e.g., child abuse/neglect, non-English speaker, low parent education levels. (1)
Connecticut	School Readiness and Child Care Initiative	Targeted to 3- and 4-year-olds residing in one of the 14 priority school districts or in the attendance area of a severe-need school and not currently in a pre-kindergarten program. Within eligible districts, all 3- and 4-year-olds are eligible to attend the program (1) (2) (3)
Delaware	Early Childhood Assistance Program (ECAP)	Children who are 4-years-old by August 31 prior to entering program and who meet Head Start income eligibility standards. (1)
District of Columbia	No information currently available	
Florida	State Migrant Pre-Kindergarten Program	3- and 4-year-olds whose families are migrant workers. (1)

State	Program	Eligible Children
Florida	Pre-Kindergarten Early Intervention Program Repealed 2001	3- and 4-year-olds are eligible for the program. Priority is given to children from economically disadvantaged migrant families, working poor families, and families in the state's welfare-to-work programs. At least 75% of children served must be eligible for the free-lunch program and be in families participating in the welfare-to-work program. Additional targets include children who have been abused, are in foster care, were prenatally exposed to drugs or have disabilities. (3)
Georgia	Voluntary Pre-Kindergarten Program	Children who are Georgia residents and 4- or 5-years-old on September 1. Students are eligible to attend for one year. Parents must decide if they will attend pre-kindergarten at age 4 or age 5. No income requirements. (4)
Hawaii	Preschool Open Doors Project	3- and 4-year-olds with special needs whose family have incomes below 75% of the state median income are eligible. Priority is given to children closest to kindergarten age, those with special needs and those with the lowest incomes. Children are considered to have special needs if they are homeless, speak limited English, have developmental delays, have physical or mental impairments or are in foster care. The vast majority of children participating in the imitative have family incomes that are below poverty. (3)
Idaho	Head Start Supplement	
Illinois	Illinois Pre-Kindergarten Program	3- and 4-year-olds and 5-year-olds who are not eligible for kindergarten entry who have more than one risk factor for academic failure. Risk factors are determined by local school districts. (1)
Indiana	No program	
Iowa	Shared Vision Preschool	Children who are 3- or 4-years-old by September 15 and whose family income is below 130% of the federal poverty level and who have at least one other risk factor are eligible. (1)
Kansas	Four-Year-Old At-Risk Preschool Program	A child may be included if one or more of the following are true: The child (1) is living in poverty, (2) is living in a single parent family, (3) is a referral from SRS or from another early childhood program, (4) has teen parents, (5) has parents who lack a high school diploma or GED, (6) has limited-English proficiency or (7) is developmentally or academically delayed, based on reliable assessments. (5)
Kentucky	Kentucky Preschool Program	4-year-olds who are eligible for free lunch are eligible for the pre-kindergarten program. 3- and 4-year-olds with delay or disability are eligible regardless of family income. (2)
Louisiana	Early Childhood Development and Care Classes	Early Childhood Development and Care Classes are available to every child in the school system's jurisdiction who will be eligible to enter public school kindergarten in the following year. Classes are provided at no cost to the child or his family for any eligible child who is eligible to receive free or reduced price meals. Any other eligible child may be charged a tuition for all or part of the classes. (9)

State	Program	Eligible Children
Louisiana	Model Early Childhood Program	Serves children who are identified as at risk due to poverty or other factors determined by the school district. (2)
Maine	Public Pre-Kindergarten Programs	Children must be 4-years-old by October 15; enrollment is on a first-come, first-served basis. (1)
Maryland	Extended Elementary Education Program (EEEP)	Children must be 4-years-old by December 31 of the enrollment year and living in the attendance area of eligible schools, as defined by priority ranking using the following criteria: federal free and reduced meal count; MD School Performance Assessment Program Change index; demographic data, such as student mobility and family literacy; lack of quality early childhood programs; and need for comprehensive services. (1)
Massachusetts	Community Partnerships for Children (CPC)	Eligible children must be between 2.9 years and the age of kindergarten eligibility in the school district and have working parents (either full or part time) earning under 100% of state median income. Local programs may set eligibility priorities within these criteria. All programs may set eligibility priorities within these criteria. All programs must serve, or be willing to serve, children with disabilities (regardless of whether the parent is employed). (1)
Michigan	Michigan School Readiness Program	Children who are 4-years-old on or before December 1 of program year and who have at least two risk factors are eligible. At least 50% of children served must be low income. There are 24 established risk factors related to school failure, one is low income defined as eligible for free/reduced lunch or for the state's Unified Child Care subsidy program. (1)
Minnesota	Learning Readiness	All 3- and 4-year-olds are eligible for school readiness services. All children are screened between the ages of 3.5 and 4. Those children with the greatest need receive priority in entrance to the program. (1) (3)
Mississippi	No program	
Missouri	Missouri Preschool Project	3- and 4-year-olds. Most programs are open to all children in the district; some programs give priority to low-income or special-needs children.
Montana	No program	
Nebraska	Early Childhood Projects	Children are eligible from birth to five of school entrance. Seventy percent of the project funds are targeted to serve: children who are Head Start eligible, those with family income below 150% of the federal poverty index, premature or low-birth weight children and/or those with primary language other than English. (1)
Nevada	Classroom on Wheels (COW)	Children identified as at risk. (8)
New Hampshire	Head Start Supplement	
New Jersey	Abbott Preschools	All 3- and 4-year-olds in the district are eligible (19)

State	Program	Eligible Children
New Jersey	Early Childhood Program Aid	The 28 "Abbott" districts are required to provide half day preschool for all resident 3- and 4-year-olds and full day kindergarten for all resident 5-year-olds. ECPA funding became available to the "Abbott" districts in the 1997-98 school year. Full implementation is required by 1999-2000 for both programs. Beginning with the 1997-98 school year, other districts became eligible for ECPA. In 1997-98, there were 108 districts eligible for ECPA, for a total of 136. These districts are required to provide half day preschool for all resident 4-year-olds and full day kindergarten for all resident 5-year-olds. Full implementation is required by the 2001-02 school year. (1)
New Jersey	Preschool for 4-Year-Olds	Resident 4-year-olds are eligible. The definition of the population served is local district option; districts may establish their own eligibility criteria. In districts without specific eligibility requirements, age and residence are the only criteria used and children are served on first-come, first-served basis. (1)
New Mexico	Child Development Program	Children from birth to age 5 (and their parents) are eligible. (1) Individual programs are able to determine who they will serve. (3)
New York	Experimental Pre-Kindergarten	Children who are 3 and 4 years old and whose families are economically disadvantaged as defined by eligibility to receive TANF, free/reduced lunch, food stamps, Medicaid, unemployment or disability compensation. (1)
New York	Universal Pre-Kindergarten	All 4-year-olds are eligible. Priority is given to economically disadvantaged children. (1)
North Carolina	Smart Start	Local communities determine which children they will serve. (3)
North Dakota	Head Start Supplement	
Ohio	Public School Preschool	3- and 4-year-olds whose family income is below 185% of the federal poverty line. (1)
Oklahoma	Early Childhood 4-Year-Old Program	All 4-year-olds are eligible. (1)
Oregon	Oregon Head Start Pre-Kindergarten	Children who are between 3-years-old and kindergarten entry and have family incomes below 100% of federal poverty level, including children with disabilities. (1)
Pennsylvania	Education Aid for Kindergarten for 4-Year-Olds	4-year-olds are admitted on a first-come, first-served basis. School districts may establish other criteria at their discretion. (1)
Puerto Rico	No information currently available	
Rhode Island	Early Childhood Investment Fund	

State	Program	Eligible Children
South Carolina	Early Childhood Program	Children must be 4 years old on or before September 1 of the program year. Priority is given to students with defined academic deficiencies or English as a second language. Each district screens children and then enrolls children who are the most needy according to the priorities (up to the number for which the district has received funding). The DIAL_R screening instrument is used in most districts. Districts may use other criteria such as eligibility for free/reduced lunch, age of the mother, structure of the family (single parent or number of children). (1)
South Carolina	First Steps	
South Dakota	No program	
Tennessee	Early Childhood Education and Parent Involvement Program	3- and 4-year-olds who are eligible for Head Start but are not being served due to inadequate capacity. (1)
Tennessee	Public Preschool	
Texas	Public School Pre-Kindergarten Program	Districts must offer pre-kindergarten if there are at least 15 eligible, at-risk 3- and 4-year-olds. Children must be at least 3 years old on or before September 1 of the program year, and either unable to speak or comprehend English, educationally disadvantaged (i.e., eligible for free/reduced lunch program), or be homeless. Four-year-olds have first priority, although 3-year-olds may be served. Districts may choose to offer programs for all 3- and 4-year-olds. (1) (9)
Utah	No program	
Vermont	Early Education Initiative (EEI)	3- and 4-year-olds. To qualify, a child must have risk factors such as: developmental delay (6 months +), abuse and neglect, English as a second language, social isolation, behavior disorders or family income below 185% of federal poverty guidelines. (1)
Virgin Islands	No information currently available	
Virginia	Virginia Preschool Initiative	Children must be 4 years old by September 30 of the program year. Each program determines the educational and/or economic risk factors on which eligibility requirements are based. (1)
Washington	Early Childhood Education and Assistance Program (ECEAP)	4-year-olds (and with specific approval, a small number of 3-year-olds). Family income must be at or below 100% of the federal poverty level. Priority is for children at risk of school failure for reasons such as low family income, child abuse or neglect, homelessness, developmental disabilities/special needs, limited-English proficiency. (1)
West Virginia	Public School Early Childhood Education	Children who are under 5 years old and not eligible for kindergarten. Eligibility determination is left to district decision. (1)
Wisconsin	4-Year-Old Kindergarten	Open to all 4-year-olds in participating districts. (2)
Wyoming	No program	

See Reference List following Teacher Qualification Requirements for State-Funded Pre-Kindergarten Programs StateNote.

Education Commission of the States

StateNotes

State Funded Pre-Kindergarten Programs

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Funding for Pre-Kindergarten Programs

Compiled by Jessica McMaken, researcher
Last Update March, 2002

State	Program	State Funds	Method of Funding
Alabama	School Readiness (Preschool pilot sites)	$3.2 million (FY02) (20)	
Alaska	Alaska Head Start Program	$5.7 million (FY00) (2)	Targeted grants for Head Start programs allocated by formula recommended by Alaska Head Start Directors Association and approved by DCRA
American Samoa	No information currently available		
Arizona	Early Childhood State Block Grant	$10.4 million (FY00) (20)	Allocation to school districts and charter schools based on the number of pupils in kindergarten and grades one through three who are eligible for free lunch (under the National School Lunch and Child Nutrition Acts) during the prior fiscal year. (1)
Arkansas	Arkansas Better Chance	$10 million (FY01) (20)	Competitive grants, based on geographic distribution with priority given to areas with high-poverty designation. (1)
California	State Preschool Program	$295 million (FY02) (20)	Competitive grants awarded, with reimbursement made on enrollment basis. (1)
Colorado	Colorado Preschool Program (CPP)	$23 million (FY01) (20)	Local school districts apply on a competitive basis for grants. (1)

State	Program	State Funds	Method of Funding
Connecticut	School Readiness and Child Care Initiative	$37.3 million (FY02)	Grants are awarded on a noncompetitive basis to 14 districts designated as "priority districts." An additional 50 towns identified as having "severe needs" compete for grants of $100,000 each. Districts and towns receiving grants distribute their funds through a local RFP process to providers, based on the recommendations of the local School Readiness Council and its plan as approved by the Department of Education and Department of Social Services. (3)
Delaware	Early Childhood Assistance Program (ECAP)	$4.2 million (FY02) (17)	Competitive grants through an RFP process. (1)
District of Columbia	No information currently available		
Florida	State Migrant Pre-Kindergarten Program	$3.3 million (FY00) (2)	School district funding on a formula allocation basis. (1)
Florida	Pre-Kindergarten Early Intervention Program Repealed 2001	$97 million (FY00) (2)	School district grant funding on a formula basis. Each school district receives base funding plus additional funds in accordance with a formula that takes into account various factors such as the at-risk population. (1)
Georgia	Voluntary Pre-Kindergarten Program	$238 million (FY02) (20)	Contracts are awarded to pre-kindergarten providers through a competitive process, subject to funding availability, previous program compliance (for continuation programs) and identified regional need. (4)
Hawaii	Preschool Open Doors Project	$2.4 million (FY00) (3)	Families are given a tuition subsidy certificate up to $350 per month for the school year and are required to pay a share of the subsidy (co-pay) based on their income. (1) (2)
Idaho	Head Start Supplement		
Illinois	Illinois Pre-Kindergarten Program	$164 million (FY02) (20)	Competitive grants to local school districts (1)
Indiana	No program		
Iowa	Shared Vision Preschool	$8.4 million (FY01) (20)	Competitive grants
Kansas	Four-Year-Old At-Risk Preschool Program	$8.5 million (FY02) (20)	Funds are distributed through a competitive grant process. Districts are reimbursed on a per pupil basis, at half the full day rate used for elementary students. (3)
Kentucky	Kentucky Preschool Program	$47.1 million (FY02) (20)	School funding on a formula basis to school districts. (1)

State	Program	State Funds	Method of Funding
Louisiana	Model Early Childhood Program	$8 million (FY01) (20)	School funding on a formula basis. (1)
Louisiana	Early Childhood Development and Care Classes	$15 million (FY01) (9)	Funding on a formula basis to districts on a first-come-fist-served basis. (9)
Maine	Public Pre-Kindergarten Programs	$2.2 million (FY01) (20)	School districts are reimbursed, after the second year of program operation, based on average daily attendance through state aid formula, which fairs by poverty level of district. (1)
Maryland	Extended Elementary Education Program (EEEP)	$19 million (FY01) (20)	School funding on a formula basis. (1)
Massachusetts	Community Partnerships for Children (CPC)	$104 million (FY02) (20)	Competitive grants with priority given to cities and towns with high concentrations of low-income working families (majority of new funds). The remainder is allocated for grants to other communities to serve families earning under 100% of state median income. (1)
Michigan	Michigan School Readiness Program	$85.5 million (FY02) (20)	School funding on a formula basis for school-district-operated programs accompanied by local needs assessment. Competitive grants for nonpublic school agencies only. (1)
Minnesota	Learning Readiness	$10.4 million (FY02) (20)	School funding on a formula basis. (1)
Mississippi	No program		
Missouri	Missouri Preschool Project	$14.5 million (FY02) (20)	Competitive grant process. (6)
Montana	No program		
Nebraska	Early Childhood Projects	$1.5 million (FY02) (20)	Competitive grants. (1)
Nevada	Classroom on Wheels (C0W)	$150,000 (FY00) (2)	Legislatively appropriated funds. (9)
New Hampshire	Head Start Supplement		
New Jersey	Early Childhood Program Aid	$313 million (FY00) (2)	The 2000 court decision requires spending to be based on the particular needs of the children in the district, not some predetermined formula (10)
New Jersey	Abbott Preschools		
New Jersey	Preschool for 4-Year-Olds	Not available (1)	Preschool education aid is reimbursed in the year following expenditure according to state aid formula based on enrollment. (1)

State	Program	State Funds	Method of Funding
New Mexico	Child Development Program	$1.8 million (FY01) (20)	Contracts are awarded based on a competitive application process, subject to state appropriations. Locations with high numbers of young children and few available licensed early childhood program spaces receive preference. (1)
New York	Experimental Pre-Kindergarten	$50.2 million (FY00) (2)	School funding on a formula basis, with a minimum required local match of 11%. (1)
New York	Universal Pre-Kindergarten	$275.2 million (FY02) (20)	School funding based on needs-related formula. (1)
North Carolina	Smart Start	$260 million (FY01) (13)	Needs-based allocations are made to county-level Partnerships for Children, which award grants to community agencies based on approved service plans. (1)
North Dakota	Head Start Supplement		
Ohio	Public School Preschool	$19.1 million (FY00) (2)	Funding for continuing programs is a noncompetitive allocation (no formula). (1)
Oklahoma	Early Childhood 4-Year-Old Program	$56.7 million (FY02) (20)	Schools receive funding on a formula basis. Schools receive funding for all children who attend the program at .7 FTEs for half day students and 1.3 FTEs for children attending for the full school day. (3)
Oregon	Oregon Head Start Pre-Kindergarten	$29 million (FY02) (20)	Competitive grants to applicants who can meet federal head start Performance Standards and show needs through a community assessment. (1)
Pennsylvania	Education Aid for Kindergarten for 4-Year-Olds	$5.7 million (FY98) (1)	Funds are available after first year of operation; children served are included in the districts; total student count for state aid. The aid formula is used to determine reimbursement based on enrollment in the previous year. (1)
Puerto Rico	No information currently available		
Rhode Island	Early Childhood Investment Fund		
South Carolina	Early Childhood Program	$28 million (FY00) (2)	Funding is distributed to school districts based on a formula. Since 1995, the funding formula has been based on the number of children in 1st grade who test not ready on the CSAB. (1)
South Carolina	First Steps	$30 million (FY01) (11)	Grants are made to counties. (11)
South Dakota	No program		

State	Program	State Funds	Method of Funding
Tennessee	Early Childhood Education and Parent Involvement Program	$6 million (FY02) (20)	Competitive grants through an RFP process. (1)
Tennessee	Public Preschool		
Texas	Public School Pre-Kindergarten Program	$269.2 million (FY00) (2)	School funding on a formula basis. (1)
Utah	No program		
Vermont	Early Education Initiative (EEI)	$1.4 million (FY01) (20)	Competitive; grants based on needs of community served by the program and degree of collaboration with other community providers. (1)
Virgin Islands	No information currently available		
Virginia	Virginia Preschool Initiative	$23.5 million (FY02) (20)	Funding according to a noncompetitive allocation is available to localities (government entities or school districts) with documented unserved 4-year-olds. (1)
Washington	Early Childhood Education and Assistance Program (ECEAP)	$30.1 million (FY02) (20)	Renewal of funding applications for 36 contractors. Awards are negotiated on a cost-per-child basis, with additional funding for training, parent empowerment, one-time costs, and longitudinal study costs. Funds are provided through a biennial contract. (1)
West Virginia	Public School Early Childhood Education	$17 million (FY02) (20)	Funds are part of regular education aid. (1)
Wisconsin	4-Year-Old Kindergarten	$31.6 million (FY01) (20)	Districts receive per pupil reimbursement based on class membership count and state aid equalization formula. Half day is the maximum permitted to be claimed or aid. (1)
Wyoming	No program		

See Reference List following Teacher Qualification Requirements for State-Funded Pre-Kindergarten Programs StateNote.

Education Commission of the States

StateNotes
State Funded Pre-Kindergarten Programs

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Pre-Kindergarten Program Descriptions

Compiled by Jessica McMaken, researcher
Last Update March, 2002

State	Program	Description
Alabama	School Readiness (Preschool pilot sites)	
Alaska	Alaska Head Start Program	
American Samoa	No information currently available	
Arizona	Early Childhood State Block Grant	Supports services for children from birth to age 8, and are available to school districts to use for any combination of infant and toddler services, pre-kindergarten, full day kindergarten, or supplemental programming or equipment for grades K-3. Approximately half of the block grant funding supports pre-kindergarten. (2)
Arkansas	Arkansas Better Chance	Provides home- and classroom-based services for children under age 6, with pre-kindergarten in some communities and family support home visits in others. (2)
California	State Preschool Program	The State Preschool Program serves low-income 3- and 4-year-olds in public schools. The school districts also may contract with private providers to provide services.
Colorado	Colorado Preschool Program (CPP)	Serves 4- and 5-year-olds who are at risk for school failure through local programs operated by broad-based community councils. The program is available in 74% of school districts. (2)
Connecticut	School Readiness and Child Care Initiative	Supports early care and education services for 3- and 4-year-olds in school districts with high concentrations of poverty. Pre-Kindergarten and child care services are blended to provide up to 10 hours/day of care. Seventy-six percent of children served receive full or extended day care. Programs are also required to make linkages with health care, social service and other supports to meet children's needs for comprehensive services. (2), (3)

State	Program	Description
Delaware	Early Childhood Assistance Program (ECAP)	A pre-kindergarten program for 4-year-olds living at or below the federal poverty level. Programs follow Head Start performance standards and most services are delivered by Head Start grantees. (2)
District of Columbia	No information currently available	
Florida	State Migrant Pre-Kindergarten Program	Provides full day (6 hours) classroom and comprehensive services to 3- and 4-year-old children of agricultural workers.
Florida	Pre-Kindergarten Early Intervention Program Repealed 2001	Provides low-income 3- and 4-year-olds with full day (6.5 hours) school-based services in all 67 school districts. (2)
Georgia	Voluntary Pre-Kindergarten Program	The Georgia Voluntary Pre-Kindergarten Program is funded by a state lottery and is open to all Georgia 4-year-olds who want to attend. Sites serving more than six low-income children have the option to employ resource coordinators to link families to needed social services. (2)
Hawaii	Preschool Open Doors Project	Enables parents of 3- and 4-year-olds living at or below 75% of the state median income to use certificates to purchase full day early care and education programs at licensed centers. (2)
Idaho	Head Start Supplement	
Illinois	Illinois Pre-Kindergarten Program	The pre-kindergarten at-risk initiative serves children who, because of their home and community environment, are subject to such language, economic and like disadvantages that they have been determined to be at risk for academic failure. (1)
Indiana	No program	
Iowa	Shared Vision Preschool	Provides pre-kindergarten for children ages 3 to 5 who are at risk of academic failure. Pre-Kindergarten programs are required to be accredited by the NAEYC by their third year of receiving funding. The initiative has a strong comprehensive services component, requiring that programs develop a plan for addressing health and safety issues, medical needs, social services and nutrition. (1) (3)
Kansas	Four-Year-Old At-Risk Preschool Program	Provides early education services to 4-year-olds who are considered at risk due to poverty, teen parents, minor developmental delays, limited English skills or other risk factors. (2)
Kentucky	Kentucky Preschool Program	Supports half day classroom-based early care and education for 4-year-olds from low-income families and 3- and 4-year-olds with developmental delays or disabilities regardless of income.

State	Program	Description
Louisiana	Model Early Childhood Program	A pre-kindergarten program for children identified as at risk due to poverty or other factors determined by the school district. It is available in all but two districts in the state, and most programs are full day (6 hours). (2)
Louisiana	Early Childhood Development and Care Classes	Allows districts to offer early childhood development and care classes for free to qualifying students. Other students may participate if their parents pay tuition. Programs are required to coordinate services for students and their families which may include health care, employment counseling, literacy services, tutoring, or parental training. (9)
Maine	Public Pre-Kindergarten Programs	Provides services for 4-year-olds through public schools. The goal is to offer an early childhood program to children who are not receiving early education through other sources. (2)
Maryland	Extended Elementary Education Program (EEEP)	Offers child development and parent education services for at-risk 4-year-olds and their families in low-income school districts. Risk criteria vary by individual district.
Massachusetts	Community Partnerships for Children (CPC)	Offers pre-kindergarten programs with comprehensive services through local collaborative of early care and education providers to 3- and 4-year-olds from working families with incomes up to the state median. (2)
Michigan	Michigan School Readiness Program	Provides classroom- or home-based services to 4-year-olds at risk of school failure who are not eligible for, or are not being served by, Head Start; more than 50% must be low income. (2)
Minnesota	Learning Readiness	Supports flexible child development programming and funds more than 20 types of services, such as pre-kindergarten, kindergarten preparation, home visits, summer programs, and links to family literacy programs. (2)
Mississippi	No program	
Missouri	Missouri Preschool Project	Offers grants on a competitive basis to schools, both public and nonpublic, to provide pre-kindergarten programs for 3- and 4-year-olds. Most programs are open to all children in the district; some programs give priority to low-income or special-needs children. (1)
Montana	No program	
Nebraska	Early Childhood Projects	Funds school districts and community partners (including Head Start) to establish early childhood programs that meet identified community needs related to child development and parent education. (2)

State	Program	Description
Nevada	Classroom on Wheels (COW)	Provides early childhood services to low-income children ages 3 to 6 and their parents in their neighborhoods. The two-hour sessions are offered from 2 to 4 times per week, provided by several different agencies. There are no uniform standards across providers; some providers offer comprehensive services. There are 15 buses (each painted with big black spots) in service, and the program is staffed by Americorps volunteers to reduce costs. (2)
New Hampshire	Head Start Supplement	
New Jersey	Early Childhood Program Aid	Supports full day kindergarten, full day pre-kindergarten and other early childhood programs in 128 school districts in which at least 20% of students are low income. Funds may be used for early childhood instruction, health and social services, parent involvement, transition services and early childhood program facilities. (2)
New Jersey	Abbott Preschools	
New Jersey	Preschool for 4-Year-Olds	School districts are permitted to offer kindergarten programs for 4-year-olds.
New Mexico	Child Development Program	Funds early care and education services for children form birth to age 5 and their families. Programs are collaboratively planned in communities to meet service gaps, and they may include pre-kindergarten, home visiting, programs for infants of teen parents, and provider resource and support programs. (2)
New York	Experimental Pre-Kindergarten	Offers comprehensive early education services to low income 3- and 4-year-olds, including the provision of social, health and nutrition services; the program also has a parent involvement component. About 20% of programs are full day (6 hours). The program has been available in 99 school districts, 14% of the state's total, since its inception in 1966. (2)
New York	Universal Pre-Kindergarten	Is being gradually phased in to offer half- or full day early education services to 4-year-olds throughout the sate. All school districts will be eligible to participate, if they so choose, by the 2001-02 school year; 23% of districts participated in the 2000-01 school year. During the phase-in period, priority is being given to economically disadvantaged children. Districts are required to contract at least 10% of the slots to community-based early care and education providers; in practice, the percentage is generally higher. In the 1999-2000 school year, the first year of the program's implementation, about 13% of the state's 4-year-olds were served. (2)

State	Program	Description
North Carolina	Smart Start	A comprehensive public/private initiative to help North Carolina children enter school healthy and ready to succeed. It supports a variety of services for children from birth to age 6. Smart Start joins state government, community leaders and service providers together with families as partners in providing and improving services for children ages birth to 5. The aim is to provide early childhood education, health care and other critical services that will ensure that all children enter school health and ready to succeed. (1) (2)
North Dakota	Head Start Supplement	
Ohio	Public School Preschool	Serves 3- and 4-year-olds from families living near poverty. Following the Head Start model, the program provides comprehensive services designed to promote school readiness and social competence. The Public School Preschool program combined with the state's Head Start supplement allows Ohio to provide nearly all of its low-income 3- and 4-year-olds with a quality pre-kindergarten experience. (2) (3)
Oklahoma	Early Childhood 4-Year-Old Program	Offers classroom-based pre-kindergarten to 4-year-olds in over 80% of school districts in the state, on a first-come, first-served basis. Legislation passed in 1998 expanded eligibility from Head Start-eligible to all 4-year-olds. (2)
Oregon	Oregon Head Start Pre-Kindergarten	Offers half day classes and comprehensive services to 3- and 4-year-olds from families at or below the poverty level. All providers must follow Head Start performance standards. (2)
Pennsylvania	Education Aid for Kindergarten for 4-Year-Olds	The state allows school districts to set the minimum entry age for kindergarten at age 4. Attendance, however, is not compulsory (Pennsylvania does not require school attendance until age 8). (3)
Puerto Rico	No information currently available	
Rhode Island	Early Childhood Investment Fund	Provides state aid to school districts to design early childhood services for children from birth to age 10 and their families, such as pre-kindergarten, full day kindergarten, before- and after-school care, parent education, and family support. Districts decide what services to offer based on local needs. (2) While the state allows districts to use their funds for pre-kindergarten, no district is using them for this purpose yet. (3)
South Carolina	Early Childhood Program	Provides half day classroom-based early care and education, as well as nutritious meals and occasional home visits, for at risk 4-year-olds. Priority is given to children with disabilities. (2)

State	Program	Description
South Carolina	First Steps	A comprehensive, results-oriented statewide education initiative to help prepare our children to reach 1st grade healthy and ready to succeed. Public and private support are combined through county partnerships to enable individual communities to address the unmet needs of young children and their families. (11)
South Dakota	No program	
Tennessee	Early Childhood Education and Parent Involvement Program	Offers full day, developmentally appropriate early care and education services to Head Start-eligible 3- and 4-year-olds and their families. Programs also provide wraparound child care, for a total of up to 10 hours per day of services. (2)
Tennessee	Public Preschool	As required by section 49-6-101, beginning with the 2005-06 school year, each local education agency (LEA) must provide preschool classes if it identifies 15 or more eligilble children who are at least 4-years-old. Each LEA must develop a system to notify the parents of children who are eligible for enrollment in a preschool class.
Texas	Public School Pre-Kindergarten Program	Offers free classroom-based early care and education for 3- and 4-year-olds who are unable to speak or comprehend English, are low-income or are homeless. Tuition and/or district funds may be used to provide programming for other children. The program is designed to develop the skills necessary for success in the public school curriculum, including language, mathematics and social skills. (2) (9)
Utah	No program	
Vermont	Early Education Initiative (EEI)	Funds early education services for 3- and 4-year-olds who are at risk of school failure due to developmental delays, economic disadvantage, limited English skills, risk of abuse or neglect, or other factors. Programs average 8 hours per week. Services include classroom- and home-based early education, parent involvement and parent education. (2)
Virgin Islands	No information currently available	
Virginia	Virginia Preschool Initiative	Offers full day (6 hours) early care and education, parent involvement, child health and social services, and transportation to families with 4-year-olds at risk of school failure. Most programs are operated by public schools and some by community-based organizations. Local coordinating teams include public schools, as well as Head Start, child care, health and social service providers. (2)

State	Program	Description
Washington	Early Childhood Education and Assistance Program (ECEAP)	Offers half day comprehensive preschool services to low-income 4-year-olds living at up to 110% of the federal poverty level. Up to 10% of the children served may fall outside of the income guidelines if they are at risk; once all eligible 4-year-olds have been served, 3-year-olds may participate. Programs must follow performance standards that are similar to or more stringent than those for Head Start. (2)
West Virginia	Public School Early Childhood Education	Provides state aid to counties to provide pre-kindergarten services for children under age 5. The state has no formal guidelines, but the Department of Education works closely with counties to design program components. Counties establish their own eligibility criteria. (2)
Wisconsin	4-Year-Old Kindergarten	Available to all 4-year-olds who reside in the 25% of school districts that choose to offer it. (2)
Wyoming	No program	

See Reference List following Teacher Qualification Requirements for State-Funded Pre-Kindergarten Programs StateNote.

Education Commission of the States

StateNotes
State Funded Pre-Kindergarten Programs

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Teacher Qualification Requirements For State Funded PreKindergarten Programs

Compiled by Jessica McMaken, researcher

Last Update March, 2002

State	Program	Teacher Qualifications
Alabama	School Readiness (Preschool pilot sites)	
Alaska	Alaska Head Start Program	Federal Head Start staffing standards
American Samoa	No information currently available	
Arizona	Early Childhood State Block Grant	As specified through accreditations (1)
Arkansas	Arkansas Better Chance	Teachers must have one of the following: 1. College degree with specialization in early childhood education 2. Teacher certification in elementary education 3. College degree, but no specialization Assistant teachers must have one of the following: 1. Child Development Associate credential 2. Associate level degree in early childhood development (1)
California	State Preschool Program	Teachers must have certification in early childhood education, or 12 college units in early childhood education and two years experience. (1)
Colorado	Colorado Preschool Program (CPP)	Teachers must have work experience and be supervised by someone with a BA. (1)
Connecticut	School Readiness and Child Care Initiative	Qualifications for teachers range from nine months of work experience and a Child Development Associate credential or 12 credits in early childhood education/child development, to a bachelor's degree in early childhood education and at least three months of work experience. Teachers must have 12 credits in early childhood education and 1,080 hours of supervised experience over a nine-month period in a child care setting that meets state standards. (3)

State	Program	Teacher Qualifications
Delaware	Early Childhood Assistance Program (ECAP)	Teachers must have Child Development Associate credential or college degree with specialization in early childhood education. Teacher aides must have a high school degree or GED. (1)
District of Columbia	No information currently available	
Florida	State Migrant Pre-Kindergarten Program	Teachers must have certification in early childhood or elementary education. (1)
Florida	Pre-Kindergarten Early Intervention Program Repealed 2001	Teachers must have a Child Development Associate credential, or certification in early childhood education, and a 30-hour-training course offered by the Department of Education and the Department of Children and Family Services. The appropriate certification is pre-kindergarten primary (age three to grade three) of preschool education (birth to age four). (3)
Georgia	Voluntary Pre-Kindergarten Program	Teachers must nave a Child Development Associate credential or teacher certification in early childhood education, or a college degree with specialization in early childhood education or teacher certification in elementary education or a Montessori or vocational early childhood education degree. Aides must be at least 20-years-old, high school graduates and have experience with young children. (1)
Hawaii	Preschool Open Doors Project	Teachers may qualify with a bachelor's degree in any field with 12 credits in early childhood education and six months of experience. A teacher also may qualify with a postsecondary credential in a child development associate program or an organized two-year college program and certificate in early childhood education, plus one year of supervised training experience in an early childhood program. These qualifications are in accordance with child care licensing guidelines. (3)
Idaho	Head Start Supplement	
Illinois	Illinois Pre-Kindergarten Program	Teachers must have early childhood teaching certificate. Teaching Aides must have 30 hours of college courses in early childhood education. (1)
Indiana	No program	
Iowa	Shared Vision Preschool	Requirements depend on the program sponsor. Teachers in public schools must have a certification with early childhood education endorsement or a four-year college degree with a specialization in early childhood education. Teachers in community-based agencies must have at least a Child Development Associate credential or an associate's degree with specialization in early childhood education. (3)
Kansas	Four-Year-Old At-Risk Preschool Program	Teachers must have certification in early childhood or early elementary education. (3)

State	Program	Teacher Qualifications
Kentucky	Kentucky Preschool Program	In all settings, a classroom must be led by either a 'preschool teacher' or an 'associate preschool teacher' supervised by a preschool teacher. A 'preschool teacher' must have certification, or a college degree in a related field (e.g., early childhood education, child development, or early childhood special education). An 'associate preschool teacher' holds a Child Development Associate credential, or an associate degree in early childhood or child development, or a Kentucky Technical School diploma in preschool/child care. Associate teachers work as lead teachers under the curriculum supervision of a qualified teacher. (1) (3)
Louisiana	Model Early Childhood Program	Teacher certification in early childhood education or elementary education. (1)
Louisiana	Early Childhood Development and Care Classes	Lead teachers must be certified by the Louisiana state Department of Education in nursery school education, kindergarten, or early intervention. (9) If no qualified applicant applies, then teacher may be certified by the Louisiana state Department of Education in elementary education and authorized to be temporarily assigned in kindergarten nursery school, or early intervention. If no certified applicant applies, then teacher may hold a degree in elementary education, kindergarten, nursery school, or early intervention and be employed pursuant to the interim emergency policy of the state board for hiring non-certified personnel.
Maine	Public Pre-Kindergarten Programs	Teachers must have elementary teaching certificate or the new birth to 5-year-olds specialist certification. (1)
Maryland	Extended Elementary Education Program (EEEP)	Teachers must have certification in early childhood education. Aides must be high school graduates. (1)
Massachusetts	Community Partnerships for Children (CPC)	Teacher qualifications depend on the setting and may range from Child Development Associate credential to teacher certification in early childhood education. (1)
Michigan	Michigan School Readiness Program	A teacher must have either certification in early childhood education or a college degree with specialization in early childhood education or an associate degree in early childhood education and a Child Development Associate credential (CDA) or an associate degree in early childhood education or documented formal training equivalent to that required for the CDA. (1)

State	Program	Teacher Qualifications
Minnesota	Learning Readiness	Teacher certification in early childhood education or in parent education is required for the coordinator of Learning Readiness programs within a district (or multi-district region operating under a joint plan). The qualifications for teachers in individual programs differ depending on the setting (for example, teachers in Head Start are required to have at least a Child Development Associate credential or a college degree with a specialization in early childhood education). (3)
Mississippi	No program	
Missouri	Missouri Preschool Project	Teachers in public schools must have one of the following: (1) early childhood teacher certification, (2) early childhood special education teacher certificate, (3) provisional teacher certificate associated with either of the above or (4) a four year college degree in child development. Teachers in nonpublic school programs must have (1) any of the above teacher requirements, (2) a Child Development Associate degree,(3) a one-year certificate of proficiency in child development or child care or (4) a two-year associate degree in child care/education. (6)
Montana	No program	
Nebraska	Early Childhood Projects	Teacher certification in early childhood education or college degree with specialization in early childhood education. (1)
Nevada	Classroom on Wheels (COW)	COW Classrooms are staffed by Americorps volunteers. (8)
New Hampshire	Head Start Supplement	
New Jersey	Early Childhood Program Aid	Following a 2000 State Supreme Court decision, all preschool teachers must be certified. (A) Teachers currently working in child care programs will now have four years to obtain a college degree and the new early childhood certification (P-3). (B) All new hires must have a bachelors degree and will have until September 2001 to obtain certification. (C) Waivers from these requirements must be based on a clear standard and limited to one year. (D) Scholarship money is available to help pay for the required college courses. (10)
New Jersey	Abbott Preschools	Teachers must hold a Preschool through Grade 3 endorsement. (19)
New Jersey	Preschool for 4-Year-Olds	Teacher must have elementary certificate (N-8). Teachers must participate in same inservice training required of all public school teachers. (1)
New Mexico	Child Development Program	Depending on the program design, continuing child development training is required. (1)
New York	Experimental Pre-Kindergarten	Teacher certification in elementary education, or elementary with the early childhood annotation; or bilingual elementary or early childhood education. (1)

State	Program	Teacher Qualifications
New York	Universal Pre-Kindergarten	In public schools, teachers must have certification in elementary education or elementary with the early childhood annotation; or bilingual elementary or early childhood education. Programs in other agencies must meet the staff qualifications requirements of those agencies (until 2001-02 when teachers must meet same requirements as those in public schools). (1)
North Carolina	Smart Start	No specific Smart Start Standards. (1)
North Dakota	Head Start Supplement	
Ohio	Public School Preschool	Teacher certification in early childhood education or Early Childhood Specialist license. (1)
Oklahoma	Early Childhood 4-Year-Old Program	Teachers must have certification in early childhood education or a special early childhood certificate, which is awarded to teachers who have earned a Child Development Associate credential, have five years teaching experience in Head Start, and have passed the early childhood certification test. (3)
Oregon	Oregon Head Start Pre-Kindergarten	Teachers must have at least a Child Development Associate credential or a college degree with a specialization in early childhood education. (3)
Pennsylvania	Education Aid for Kindergarten for 4-Year-Olds	Teachers must have certification in elementary education. (3)
Puerto Rico	No information currently available	
Rhode Island	Early Childhood Investment Fund	
South Carolina	Early Childhood Program	Teachers must have certification in early childhood education or provisional certification based on a college degree with specialization in early childhood education. Aides must have a high school diploma or equivalent. (1)
South Carolina	First Steps	
South Dakota	No program	
Tennessee	Early Childhood Education and Parent Involvement Program	Teachers must be certified pre-kindergarten through grade 3. Other adults required to meet the ratios must have a Child Development Associate credential. (1)
Tennessee	Public Preschool	
Texas	Public School Pre-Kindergarten Program	Teachers must hold certification with an early childhood education or a kindergarten endorsement. (1)
Utah	No program	

State	Program	Teacher Qualifications
Vermont	Early Education Initiative (EEI)	The teacher must have the highest qualifications required in the environment of that particular grantee, e.g., Child Development Associate credential, college degree in early childhood education. If program is based in a public school, the teacher would need to be certified in early childhood education. (1)
Virgin Islands	No information currently available	
Virginia	Virginia Preschool Initiative	Law requires "qualified staff," which means the teacher must have the highest qualifications required in the environment of that particular grantee (for example, a teacher in a Head Start program must have at least a Child Development Associate credential or a college degree with a specialization in early childhood education, while a teacher in a public school program must be certified in early childhood education). (3)
Washington	Early Childhood Education and Assistance Program (ECEAP)	A four-year college degree in early childhood education or child development and a minimum of two years of successful work experience in a preschool, child care or kindergarten setting. (1)
West Virginia	Public School Early Childhood Education	Teachers must be certified in elementary education. (3)
Wisconsin	4-Year-Old Kindergarten	The teacher must have a "PreK-3" certification (generally referred to as early childhood certification) or a "PreK-6" certification. (3)
Wyoming	No program	

See Reference List following Teacher Qualification Requirements for State-Funded Pre-Kindergarten Programs StateNote.

Education Commission of the States

ECS StateNotes

Reading

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

Common State Strategies To Improve Student Reading

June 2001

The following list represents strategies states are using to improve student reading performance. The list is not a comprehensive summary.

1. Preventing and Intervening with Reading Difficulties

- Providing grants for or requiring districts to provide intervention and remedial services, especially to at-risk students
- Requiring intensive reading instruction and interventions for students who do not meet reading standards, including summer school, extended-day or tutoring programs
- Requiring or encouraging districts to place a greater emphasis on improving reading skills for K-3 students
- Requiring districts and schools to develop individual reading plans for students who fail to meet grade-level standards
- Creating grant programs for districts (some target low-income districts) to improve reading performance through intensive reading instruction, reading academies or other related initiatives such as extended-day programs, small-group reading instruction, teacher professional development or hiring reading specialists
- Providing grants that use volunteers to improve student reading
- Establishing reading centers at universities to assist districts in identifying, assessing and providing instructional intervention programs to students with reading difficulties
- Increasing parental involvement and providing better information to improve their child's reading skills (including the importance of early brain development)
- Requiring education and human service agencies to develop plans for early education services to ensure that all children will read by the end of 3rd grade.

2. Imposing Consequences for Students Who Do Not Meet Reading Standards

- Preventing students from advancing into 4th grade reading classes if they fail to pass the 3rd grade reading exam
- Retaining students who do not meet grade-level standards for reading and/or requiring their participation in summer reading programs.

3. Promoting or Mandating Particular Reading Approaches or Programs

- Providing funds for schools to expand and improve reading programs, and mandating that such programs should include, but not be limited to phonics

- Requiring or encouraging districts to use a balanced approach to reading instruction and a variety of reading programs
- Providing funds and/or training for particular reading programs (i.e., Reading Recovery)
- Requiring, encouraging or providing funds for districts to adopt reading programs and approaches that research has shown to be effective.

4. Providing Additional or Better Data

- Requiring districts to report the percentage of students who meet and do not meet reading standards, as well as the progress of students over time
- Requiring districts to report test score comparison data among different reading programs and identify which programs are used in each classroom
- Requiring state departments to collect and analyze data on student reading performance and report this information to the legislature and public
- Issuing reading report cards to the public for each elementary school
- Reporting the number of preservice teachers who take and pass the state reading assessment.

5. Providing Teachers with Skills and Knowledge

- Requiring schools or districts to develop professional development plans that improve elementary teachers' ability to teach reading
- Requiring teachers to pass reading instruction competency tests before receiving certification or recertification
- Increasing the number and quality of reading courses in teacher education programs and those required for certification
- Creating partnerships with universities, colleges and/or regional service centers to offer teacher professional development
- Providing professional development funding for research-based systematic phonics or particular reading programs (for example, Reading Recovery)
- Reviewing teacher preparation programs to assure that course offerings and graduation requirements match state goals for student reading performance
- Providing training to help teachers use new or current reading assessments to identify student reading levels, diagnose potential difficulties and determine appropriate reading strategies.

6. Setting Standards, Developing Reading Plans and Assessing Student Reading Performance

- Mandating that districts set kindergarten reading readiness goals, reading standards for the primary grades and/or for grades 4-8
- Requiring or encouraging districts to diagnose reading readiness, skills and progress
- Requiring K-3 students to be tested periodically for mastery of reading skills
- Providing district guidelines for selecting reading assessments
- Requiring districts to determine if reading instruction and programs have resulted in students' mastery of reading skills and to identify more effective strategies if a certain percentage of students fail to meet the standards
- Requiring or encouraging districts to develop plans that improve and maintain students reading skills beyond the basics, such as comprehension, vocabulary and writing
- Requiring schools to develop plans to assure all 3rd graders are reading at grade level and/or to increase the percentage of students who meet or exceed reading standards

- Establishing reading rewards programs to recognize schools that demonstrate significant reading gains.

7. Assessing Readiness for School

- Formulating readiness assessments
- Using data to guide instructional strategies
- Using data in school improvement plans and accountability measures.

Mary Fulton, policy analyst, 303.299.3679, mfulton@ecs.org; updated by Mike Porter.

© Copyright 2001 the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

StateNotes

Reading

Education Commission of the States 700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Summary of State Policies To Improve Student Reading

June 2001

The following information highlights activities undertaken by state leaders to address student reading. However, it is not a comprehensive summary of all state policies. A list of common state strategies to improve student reading is available as well.

In addition to the following actions, several states are requiring students to demonstrate reading and other proficiencies before proceeding to the next grade level, and some states have specific policies on phonics and whole language.

Alabama
Resulting from the work of the Alabama Reading Panel, the State Board of Education adopted the Alabama Reading Initiative in 1997. The initiative targets reading performance on three fronts: (1) beginning reading in K-1, (2) expansion of reading skills for students in grades 2-12 and (3) effective intervention for all grades. The initiative includes 16 demonstration sites at elementary schools. Teachers receive two weeks of intensive professional development to learn how to identify and correct students' specific reading problems. Each site has established a partnership with a college or university to provide ongoing support and training. The education department's *Report on the Review of Research* (1998) defines research-based, effective instruction and forms the basis for the initiative's teacher development programs.

Arizona
H.B. 2293 (1998) required school boards to determine the percentage of 4th-grade students that score below the "basic" category based on the statewide reading achievement test. If more than 20% of 4th graders score below the basic level, the school board must conduct a curriculum review. The review evaluates effective pedagogical techniques such as (a) Spalding, (b) direct instruction, (c) Success for All, (d) whole language, (e) Reading Recovery and (f) other appropriate reading education approaches. Based on the review, the board and school council must develop a method of best practices for teaching reading (ARIZ. REV. STAT. sec. 15-707). Students in 3rd grade who do not meet the reading comprehension standards must be provided with intensive reading instruction until the student can meet the standard (ARIZ. REV. STAT. sec. 5-707.01).

H.B. 2130 (1998) included the following provisions:

- Teaching applicants must complete a minimum of 45 classroom hours, three college-level credit hours or training in research-based systematic phonics instruction.
- Districts must conduct a curriculum evaluation and adopt reading programs, one of which must be a research-based systemic phonics program.
- Districts must allow parents of K-3 students to select the reading program they think will most benefit their child and must accommodate every pupil based on the parent's choice.
- Districts must report a comparison of test scores among the different reading programs and identify the program used in each classroom (ARIZ. REV. STAT. sec. 15-718).

- An appropriation of $1 million was made for FY1998-99 to assist districts in the initial training and continued development of teachers in research-based systematic phonics.

Arkansas

In May 1998, the governor announced the Smart Start initiative for grades K-4 that aims to increase reading and math achievement. The main component of the initiative is professional development training that emphasizes topics related to subject matter content, curriculum alignment with the frameworks, an analysis of assessment results and use of various instructional techniques. The initiative also provides funding for additional reading specialists.

In 1990, the state began training teachers in Reading Recovery, an intensive one-on-one tutoring program for at-risk 1st graders. In addition, the state developed an Early Literacy Program for grades K-3 that includes small-group instruction, as well as up-to-date teacher training on reading practices and principles.

California

A.B. 2A (1999), the Elementary School Intensive Reading Program, provides for up to 10% of 400 schools' K-4 students to receive extra instruction, including classes during the summer, between sessions and on Saturday or after school. In addition, the bill includes the following provisions:

- Public Involvement Reading Campaign to promote reading in public schools
- Governor's Reading Reward Program to distribute $5,000 grants to K-8 schools whose students read the greatest number of books, as well as other criteria
- A teacher professional development program, the Governor's Principal Leadership Institute, an administrator preparation program and the California Reading Professional Development Institutes, to be developed by the University of California system regents.

A.B. 1178 (1995) required the Commission on Teaching Credentialing to develop, adopt and administer a reading instruction competence assessment to measure knowledge, skill and ability of first-time credential applicants relative to effective reading instruction (CAL. EDUC. CODE sec. 44283).

A.B. 3482 (1995) created the Teacher Reading Instruction Development Program, requiring K-3 teachers to possess the knowledge and skills needed to teach students to read. Funds for this program are used primarily for professional development services. The bill also created the Comprehensive Reading Leadership Program, which encourages and provides funds for school districts to implement a comprehensive K-3 reading program that emphasizes basic and continued improvement of reading skills (CAL. EDUC. CODE sec. 44755-57; 53000-6; 60350-2).

Colorado

The Colorado Basic Literacy Act mandated that all students will read at 3rd-grade level by the end of 3rd grade before they can move on to a 4th-grade reading class. The act also required that the reading growth of all students be assessed regularly from kindergarten through 3rd grade. Students not reading at grade level will be placed on Individual Literacy Plans (ILPs) developed with the school and family (H.B. 96-1139; COLO. REV. STAT. sec. 22-7-501). Districts must report the following information to the state:

- Number and percentage of pupils enrolled in grade 3 reading at or above grade level
- Number and percentage of pupils on ILPs enrolled in the district
- Number and percentage of pupils who have increased literacy and reading comprehension levels by two or more grades during one year of instruction.

The State Board of Education spelled out the reading proficiency levels for grades K-3 and developed requirements for selecting reading assessments. In 1997, the state adopted a reading test for 3rd graders that was first administered in March 1998 (H.B. 97-1249; COLO. REV. STAT. sec. 22-7-409).

S.B. 124 (2000) concerns literacy in the early grade levels and establishes and appropriates funds for a Read-to-Achieve program. Under this program, any public school, including charter schools, may apply for grants to fund intensive reading programs for 2nd and 3rd graders whose literacy and reading levels are below the level established by the State Board of Education.

H.B. 1136 (2000) creates the Learning Improvement Grant Program in the Department of Education and creates the Read-to-Achieve Board, which establishes criteria for awarding program grants. The Learning Improvement Grant Program provides grants to schools or a collaborative group of schools for programs to enhance the literacy and reading comprehension skills of early elementary school students.

Connecticut
In 1998, Governor John G. Rowland called for setting aside $10 million a year for the Early Reading Success Grant Program to help at-risk students bring their literacy skills up to speed. The legislature enacted H.B. 5657, doubling the appropriation to $19.5 million for FY99, and targeted the funds to the 14 poorest school systems. To receive funding, districts must develop a three-year plan for improving K-3 reading performance. While schools can use the grant dollars for reforms such as lowering class size and creating extended-day programs, at least half of the funds must go toward "intensive reading intervention" (CONN. GEN. STAT., sec. 10-221h).

Hawaii
H.B. 614 (2001) provides for changing the responsibility for ongoing operation of a literacy and lifelong learning program to the public universities of the state. This bill also requires the development of private-public partnerships in literacy support. Furthermore, public libraries will serve as the clearinghouse of information on available grants and funds for literacy providers, literacy services available and measurable results of various literacy programs.

Idaho
During the 1999 legislative session, the state enacted the Idaho Comprehensive Literacy Plan to improve student reading that included the following bills:

H.B. 176 amended state code to require a reading assessment for students in grades K-3. School personnel will review the state K-3 assessment results to determine necessary interventions to sustain or improve a student's reading skills. The State Department of Education will maintain and compile the results and annually report them to the state board, legislature and governor. School districts will make the results available to the public.

H.B. 177 amended state code requiring each school district to adopt an extended-year reading program, which has been approved by the State Board of Education. The programs are targeted to students identified as below grade level on reading assessments in kindergarten through 3rd grade.

H.B. 178 amended state code to require teacher preparation requirements, to require teachers to demonstrate their ability to teach reading successfully and to adopt specific requirements for renewing teacher certification.

- The state board will review teacher preparation programs to ensure that the course offerings and graduation requirements are consistent with the Idaho Comprehensive Literacy Plan.
- The state board will develop a preservice assessment measure for all K-8 teacher preparation programs to demonstrate teaching skills and knowledge congruent with current research on best reading practices.
- The state board will report to the legislature and governor the number of preservice teachers taking and passing the assessment. By September 2002, all teacher candidates must pass this assessment as part of their graduation requirements.
- Teachers and administrators in schools with grades K-8 will complete three credits of a state-approved reading instruction course in order to be recertified.
- Every school board will include coursework covering reading skills development in its inservice training plan.

In 2001, the governor signed S.B. 1116, which provides statewide goals as follows:

- Reports shall be submitted by the school districts in such a manner that it is possible to determine for each school building in each school district the percentage of students who are achieving at or above the appropriate grade level on the reading assessment.
- In order to maintain the commitment made by the legislature to reading excellence, the statewide goal for reading achievement for spring 2004 shall be not less than 55% at or above grade level for kindergarten and not less than 60% at or above grade level for 1st grade.
- The goal for spring 2005 shall be not less than 55% at or above grade level for kindergarten, not less than 65% at or above grade level for 1st grade, and not less than 70% at or above grade level for 2nd grade.
- The goal for spring 2006 shall be not less than 60% at or above grade level for kindergarten, not less than 70% at or above grade level for 1st grade, not less than 80% at or above grade level for 2nd grade and not less than 85% at or above grade level for 3rd grade.
- Notwithstanding the statewide reading achievement goals noted above, an individual school building will also be deemed to have met the achievement goal if the percentage reading at or above grade level is 5% or more greater than the percentage for the immediately preceding year.

Illinois
H.B. 2887 (1997) created the Reading Improvement Block Grant Program to improve reading and study skills of K-6 students. Districts can use the funds for the following purposes:

- Reduce class size in grades K-3 to provide more intensified reading instruction
- Extend the time devoted to K-3 reading instruction either by lengthening the school day or year
- Continue direct reading instruction in grades 4-6
- Establish reading academies in schools that focus on the mechanics of reading, the application of reading skills and reading literature
- Conduct intense vocabulary, spelling and related writing enrichment programs
- Increase the availability of reading specialists and teacher aides
- Train and retrain K-3 teachers to be proficient in reading instruction. (105 ILL. COMP. STAT. sec.5/ 2-3.51).

Indiana
S.B. 352 (2000) created additional requirements to the initial standard teaching license. For elementary school teachers, knowledge of comprehensive reading instruction skills, including phonemic awareness and phonics instruction, must be demonstrated.

Kentucky
The Early Reading Incentive Grant Program (S.B. 186, 1998) provided funding to elementary schools to improve student reading performance. A steering committee provides grants to schools to help teachers implement reliable, replicable, research-based reading models that use balanced instructional strategies, including phonics, to address students' diverse learning needs. Local school councils or the superintendent must provide matching funds. Grants are awarded to schools based on the following criteria:

- Effectiveness of the school process for identifying needs and qualified students
- Extent and level of need
- Effectiveness of the selected reading model to meet identified needs
- Level of commitment
- Capacity to implement the model

- Quality of evaluation plan
- Effectiveness and efficiency of the budget plan (KY. REV. STAT., sec. 158.792).

Louisiana
In 1997, the legislature appropriated funds for and required each "governing authority" to implement elementary reading programs to teach students to read at grade level by no later than 3rd grade. The mandate specified that reading programs should include, but not be limited to, phonics. Within the first and last 30 days of the school year, teachers must report the number of students not reading at grade level (LA. REV. ANN. sec. 17:181). In 1998, the state board selected the Developmental Reading Assessment (DRA) as the assessment to be used to measure student reading levels and provided training to teachers on using the DRA.

Maryland
In July 1998, the Maryland State Department of Education (MSDE) passed regulatory amendments that increased the amount of reading coursework current and prospective teachers must have. Regular and special education teachers at the early childhood and elementary levels have to complete 12 semester hours in specific reading coursework such as language and cognitive development; phonics, semantics, and syntactics; selecting and using reading materials; and reading assessment. Regular and special education teachers at the secondary level, as well as teachers with N-12 certification, have to complete six semester hours in coursework such as cognitive development, reading assessment, reading in the content areas, and the application of theories and practices in daily classroom instruction. The course requirements are consistent for teachers applying for an initial certificate and for those seeking certificate renewal.

H.B. 1172/S.B. 750 (2000) requires the State Board of Education to distribute grants to organizations that promote literacy at an early age during child health visits to a pediatrician; requires an organization that is awarded a grant to use the grant to purchase books and train health-care providers; requires the governor to include funding for the grants in the state budget; requires the state board to adopt regulations to implement the act.

Mississippi
H.B. 539 (1999) required the State Department of Education to adopt pilot testing programs for dyslexia and related disorders in public schoolchildren. School boards shall provide remediation to students identified with such disorders.

In 2001, the automatic repealer to this law was deleted.

Missouri
Missouri implemented legislation in the area of reading instruction in 1999. Under H.B. 889, a pilot project of explicit phonics instruction for K-3 students was to be established in each metropolitan school district. Furthermore, beginning July 1, 2000, if a school district provides reading improvement instruction for K-3 students who fall below the district's objectives for reading on the district's chosen assessment, such students may be counted for additional average daily attendance for state aid if such time falls outside normal school hours, such as summer school. Also, the department of education shall provide a four-year competitive matching-grant program at the district and building level to pay for assessment and training in early reading intervention strategies. Grantees are required to show improvement of students.

New Hampshire
H.B. 229 (1997) established a Reading Recovery training program for 1st-grade teachers. Reading Recovery is an early-intervention program that provides intensive instruction by specially trained teachers to 1st-grade students at risk of reading problems (N.H. REV. STAT. ANN. sec. 186:70).

New Mexico
H.B. 8A (2000) created a statewide reading initiative and created a Public School Reading Proficiency Fund. In 2001, H.B. 33 provided for the "Even Start Family Literacy Program." Created in the department of education, this program provides funding for preschool reading readiness and parenting education. The

department of education shall develop program benchmarks and performance standards, guidelines for program approval, and funding approval criteria. In addition, schools receiving funds from the program must provide annual reports and evaluations to continue to receive funds. Also, H.B. 39 (2001) allows the state to withhold approval from a college of education or teacher preparation program that fails to offer a teaching-of-reading course based on most current research or fails to seek input in designing the teaching-of-reading courses from experts in the field. And, H.B. 281 (2001) requires reading courses for teacher certification: elementary teachers are required to take six hours; secondary school teachers are required to take three hours.

Furthermore, S.B. 180 (2001) mandates that school districts are to provide reading enhancement in grades 2-10, designed to improve a student's reading proficiency to his/her grade level. Before the end of the school year, the reading proficiency of all students in grades 1-9 shall be determined based upon a combination of state-mandated assessments and local school or district reading assessments. A student who is determined to be below grade level shall be provided reading enhancement.

Finally, S.B. 673 (2001) expands the state board's program of educational accountability. It adds reading assessments to determine pupil status, progress and degree of achievement of basic skills and of essential educational competencies. The department of education shall involve local school district personnel in the development of these assessments, which shall measure phonics, phonemic awareness and comprehension.

North Carolina
Following years of debate over phonics vs. whole language, the state enacted legislation in 1996 that called for "the implementation of balanced, integrated and effective programs of reading instruction." Based on this guideline, the state board developed a comprehensive plan to improve reading achievement. In addition, several million dollars are appropriated annually to support staff development in reading and math, most of which goes directly to schools (N.C. GEN. STAT., sec. 115c-81.2).

Ohio
Initiated by Governor Bob Taft, the legislature enacted the OhioReads Initiative in 1999 by creating classroom and community reading grants (H.B. 1, 1999). A central component of the bill is to use thousands of citizen volunteers to improve student literacy. The OhioReads council, established under the act, developed criteria for rewarding grants and will evaluate the initiative's effectiveness and develop a plan for recruiting and training volunteers. The council is directed to give priority to programs recognized as promising education practices for accelerating student achievement. In addition, the legislation includes the following provisions:

- Students entering 4th grade in 2001 must pass a reading skills test to be promoted to 5th grade, some exceptions apply.
- Districts must offer 4th-grade students who fail the reading exam intense remediation services and another opportunity to take the test during the summer.
- Districts must offer intense remediation services during the summer to students identified as reading below grade level at the end of 3rd grade.

Oklahoma
H.B. 2017 (1997) created the Reading Sufficiency Act, a comprehensive plan that provides a framework to districts. The act focuses on five components of reading instruction: phonemic awareness, phonics, spelling, reading fluency and comprehension. The state will issue a reading report card annually for each school. The act also includes the following provisions:

- Multiple, ongoing assessments are used to measure 1st- and 2nd-grade students' acquisition of reading skills. A reading assessment plan will be developed for students not reading at grade level by the end of the current school year.
- Schools will establish a committee to determine a reading assessment plan for each student.

- Districts will adopt and annually update a plan that outlines how each school will comply with the Reading Sufficiency Act provisions.
- A new reading assessment plan will be developed for each 3rd grader not reading at grade level. The plan will include specialized tutoring and may include recommendations for whether a student should be retained in 3rd grade (OKLA. STAT. ANN. 70, sec. 1210.50A-C).
- The Oklahoma Commission for Teacher Preparation has the authority to develop professional development institutes that provide intensive reading instruction to elementary teachers (OKLA. STAT. ANN. 70, sec. 6-200).
- Local boards of education will establish professional development committees and programs for teachers and administrators (OKLA. STAT. ANN. 70, sec. 6-194).

H.B. 2878 (1998) modified the Reading Sufficiency Act in the following ways:

- Added kindergarten as a grade at which reading skills must be assessed
- Specified the elements of reading instruction to be included in assessment plans
- Called for a Reading Report Card for each elementary school.

H.B. 2000 (2000) makes changes in the requirements of professional development. Funds may be used for the cost of mentor training, payment for substitute teachers, on-site facilitation, and any other costs necessary to ensure improved reading by students.

Oregon
H.B. 3352 (2001) establishes the "Spread the Word Program" in the department of education for the purpose of providing donated books to eligible elementary school children who have few books at home.

Pennsylvania
The Read to Succeed (RTS) program was initiated by Governor Tom Ridge in his 1999-2000 budget, and approved and funded by the legislature (H.B. 456). Read to Succeed is a four-year, $100 million competitive grant program ($35 million for year one) targeted to school districts with students who need intensive reading instruction programs. Districts must provide matching funds at the rate of one dollar for every two state dollars. The program design includes: (1) identification of students in need in every school, (2) the provision of effective research-based instruction, (3) ongoing classroom assessment in preschool and the early grades and (4) targeted professional development for preschool and primary grade teachers. The Read to Succeed program will combine the efforts of the state and school district, parents and caregivers, family literacy programs and other community-based programs in developing research-based programs for preschool through 3rd-grade students.

Rhode Island
H.B. 7735 (2000) creates the Reading Success Institute. The bill reads, "The department of education shall convene an Early Reading Success Panel composed of elementary school teachers, school administrators, national experts in the field of reading research and early childhood and higher education experts knowledgeable in the field of reading research. The panel shall review research on how reading is learned and on the knowledge and skills necessary for teachers to deliver effective reading instruction by July 1, 2001."

South Dakota
H.B. 1257 (2000) provides for enhanced learning in the public schools. The board of education and the department of education shall work jointly with other state government agencies to ensure that children enter the K-12 education system ready to learn. Those agencies shall develop standards and practices to ensure that, by 3rd grade, all children, to the best of their abilities, have learned fundamental reading skills, among others. Furthermore, the Advanced Reading Enhancement Program will assist and strengthen the teaching and learning of reading in grades 1 and 2. Early intervention strategies shall promote growth in word recognition and comprehension. Technical assistance shall be provided to this end.

Tennessee
S.B. 2485 (2000) requires certain actions by the state department of education, the state board of education and the higher education commission to improve the teaching of reading and literacy in Tennessee. The state department of education shall identify schools with consistently low-performing reading scores and determine that measures for improvement are addressed in the schools' improvement plans. Also, the state board is to ensure that teacher candidates are properly trained and qualified in literacy instruction.

S.B. 1173/H.B. 716 (2001) creates a report that includes:

- The number of identifiable reading programs in grades K-3
- The testing procedures used to evaluate students
- The number of teachers certified as reading specialist in each LEA.

Texas
S.B. 955 (1999) enacted the Ready to Read grants program to provide scientific, research-based pre-reading instruction to improve pre-reading skills and to identify cost-effective models for pre-reading intervention. The grants are targeted toward schools and other eligible entities that serve low-income preschool students. Grants from $50,000-$150,000 will be distributed for the following purposes:

- Professional development in pre-reading instruction
- Pre-reading curriculum and materials
- Pre-reading skills and assessment materials
- Employment of pre-reading instructors.

At the request of Governor George W. Bush, the Texas Education Agency (TEA) launched the Texas Reading Initiative (TRI) in 1996. One goal of the TRI is to provide schools and districts with information and resources about reading programs. District and school staffs may make their own decisions about assessments, instruction and remediation. The TRI includes the following components:

- Increasing teachers' knowledge of their students' reading skills in K-3 through assessments
- Providing research-based information on reading practices and programs to educators
- Increasing parental involvement
- Providing one-year grants to schools to fund projects that focus on the prevention of reading failure and intervention activities.

Over the past few years, the TEA worked with the Texas Center for Reading and Language Arts and the 20 regional education centers to provide professional development materials and training to reading teachers. In 1997, the legislature appropriated funds for reading academies, which are schools-within-schools, that focus on reading. They also created the Read to Succeed program for early diagnosis of reading problems in grades K-2 (TEX. [EDUC.] CODE ANN. sec. 28-.006).

Utah
During the 1999 legislative session, the state enacted several literacy bills, including the following:

H.B. 8, a comprehensive plan which provides for the following:

- Literacy program to assist children in acquiring reading skills
- Community volunteer training program to help schools implement the literacy program

- Information kits and a public service campaign aimed at parents of newborn infants on the development of emerging literacy skills
- Statewide report on the assessment of reading skills in kindergarten in the public schools.

H.B. 63 established a reading skills development center at the University of Utah to assist districts in identifying, assessing and providing instructional intervention programs for students with reading difficulties. The bill also provides funds for a professional teacher development program.

H.B. 75 established a reading performance improvement awards program to recognize and reward elementary schools that demonstrate significant reading gains. The state board will establish the award criteria and select nine schools to receive a $1,000 reward.

H.B. 312 established a reading achievement program in grades 1-3, requiring that each elementary school develop a plan to help all students read at the 3rd-grade level by the end of 3rd grade.

H.B. 67 (1997) required districts to administer a reading assessment in grades 1-6 to determine if instructional programs have resulted in students' mastering reading skills. The bill also included the following provisions:

- Reading instruction shall include practices of the following: (a) early and explicit teaching of phonetic decoding skills, (b) exposure to a wide range of quality literature, (c) writing and (d) regular and adequate time to read a variety of materials across the curriculum.
- If students are seriously deficient in these skills, districts must provide remedial assistance to bring students up to the appropriate reading level. As part of the remediation program, parents should be offered opportunities to help improve their children's reading skills.

H.B. 99 (2001) changes the Reading Skills Development Center into a clinic to assist educators and parents of students in assessing elementary school students who do not demonstrate satisfactory progress in reading. The act requires the clinic to provide professional development programs in reading to help educators and parents become better prepared to assist students.

H.B. 145 (2001) sets a goal of 90% or more of all 3rd graders to be reading at or above their grade level; requires an annual report on all students, by percentage, of students reading at or above grade level in 1st, 2nd, and 3rd grades by school and school district.

H.B. 216 (2001) provides a $500,000 appropriation to fund an Advanced Readers at Risk Program in the public schools to develop advanced reading knowledge and skills in students.

Vermont

In 1997, the state enacted H.B. 527 that required the state board of education, in collaboration with the agency of human services, to develop a plan for early education services to ensure that all children read by the end of 3rd grade. The bill also directed the public schools to offer early reading instruction, as well as intervention when necessary (VT. STAT. ANN. 16, sec. 2903).

Virginia

S.B. 558 (1998) established the Reading Incentive Grants Program. The program awards grants on a competitive basis to schools that demonstrate low performance on reading exams (VA. CODE ANN. sec. 22.1-208.2:11).

H.B. 2401 (2001) establishes the requirement for a literacy passport for all students prior to grade 9. All school boards are encouraged to utilize the pre-test for 4th graders. In order to be classified as 9th graders or above, students shall be required to obtain the Literacy Passport, unless students are identified as disabled. To meet this goal, each school district shall analyze its pass rates and plan remediation programs as needed.

Furthermore, the Virginia Department of Education administers an Early Intervention Reading Initiative for kindergarten through the 3rd grade, a federal Reading Excellence Grant and training forums through the year.

Washington
H.B. 3305 (1999) required the state board of education to include phonics instructional materials on a statewide list of adopted materials and for school districts to provide phonics materials to teachers.

H.B. 2849 (1998) included the following provisions related to reading accountability goals, through which districts were required to take the following actions:

- Establish a three-year goal to increase the percentage of students who meet or exceed the standard on the 4th-grade Washington assessment of student learning
- Direct each elementary school to establish a three-year reading goal for its 4th-grade students
- Report to parents, the community and the state superintendent the districtwide and school-level three-year goals, student performance relative to the goals and plans to achieve the reading goals for K-4 students
- Direct the superintendent of instruction to report the results of the 4th-grade test for all schools to the legislature and public (WASH. REV. CODE ANN. sec. 101 and 630).

The bill also included provisions on reading assessment, including the following:

- Beginning in 1998-99, districts must select a reading test from the collection adopted by the superintendent of instruction. The selection must be at the entire district level and remain in place for at least three years.
- Schools must identity actions to improve the reading skills of students who score substantially below grade level and provide parents with strategies to help their children achieve the reading goal (WASH. REV. CODE ANN. sec 201).

Wyoming
S.B. 92 (2001) provides for the following:

Each school district shall design and implement a reading screening program that measures student reading progress in grades 1 and 2. The screening program shall be designed by each school district aligned to the statewide educational program standards and shall specifically screen for student performance in reading at grades 1 and 2.

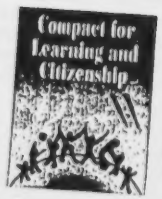
Students not screening successfully shall be assessed to identify the specific reading problem and determine its nature. Students not showing appropriate reading competence shall be placed on an individualized reading plan to remedy the reading-related difficulty utilizing an appropriate research-based intervention program. For school year 2002-03 and each school year thereafter, each district shall annually report to the department of education on the progress toward reaching the goal of 85% of identified students being reading proficient. The report shall include longitudinal data on all students in grades 1-4 identified for intervention. If the goal is not reached, the district shall report the reason the goal was not reached and the steps being taken by the district to solve the problem.

Mary Fulton, policy analyst, 303-299-3679 or mfulton@ecs.org; updated by Mike Porter.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303-296-8332 or e-mail ecs@ecs.org.



ECS StateNotes

Service-Learning Policy Scan

Education Commission of the States

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

Institutionalized Service-Learning in the 50 States

March 2001

Introduction

Service-learning is a teaching method that combines service to the community with classroom curriculum. Service-learning is more than merely community service. It is a hands-on approach to mastering subject material while fostering civic responsibility. On a programmatic level, service-learning in America is thriving. Through funds from the Corporation for National Service, almost every state has resources and some level of a service-learning program. Although practitioners and other service-learning advocates have long regarded service-learning as a way to increase student achievement and student civic engagement and decrease a host of problems, such as drop-out rates and school crime and violence, there is now a growing interest from policymakers. They are beginning to wonder what service-learning policy looks like and what other states are doing with service-learning policy.

This 50-state policy scan is a snapshot look at where states are with the institutionalization of service-learning. The scan used a narrow approach to service-learning, excluding language like community service, community restitution and other more broadly defined terms. The focus is on *policy* only, at the state level. The scan shows whether a state has a policy with respect to service-learning in its:

- State Constitution
- State Statutes
- State Codes or Regulations
- State Board of Education Regulations (in many states these are the same as the state codes and regulations).

Because there are several states with *no* policies on service-learning, the scan also includes brief information on funding mechanisms and programs specific to service-learning. This will inform the reader that the state is still engaged and interested in service-learning, but it has currently not reached the policy level of implementation. It is important to note that the amount of state policies a particular state may have does not necessarily reflect how deeply involved they are with service-learning. It is merely a gauge of the institutionalization and stability of the service-learning program. State policy reflects a certain level of validity that grant funding and programs do not. Without supportive public policies and the large-scale, long-term changes they can bring, funding could be taken away from service-learning programs, thus terminating them, whereas the institutionalization of a state statute or policy legitimizes the program through the law.

Analysis

As of December 2000, 23 states have no mention of service-learning in any state policy. Some of those states do make reference to character education and community service in their state education standards, but for the purposes of this scan, both character education and community service have a different meaning than service-learning. Most of those 23 receive funds from the Corporation for National Service and use those funds to implement programs through the state department of education. At least eight states had proposed legislation relating to service-learning in the 2000 legislative session, and though none passed in that session, it may be an indication of interest among policymakers during the 2001 session. There are no states with service-learning mentioned in the state constitution; 16 states mention service-learning in statutes; and 23 states mention service-learning in either their state code or regulations (including their state board of education regulations).

Most policies that are specific to service-learning fall into these categories:

- The state permits community service or service-learning activities to be applied toward graduation requirements (seven states – AR, CT, DE, MN, OK, RI, WI)
- Service-learning is a requirement for graduation (one state – MD)
- Rules, regulations, creation or purpose of programs relating to service-learning (eight states – AR, CA, GA, ID, IL, LA, MT, UT)
- The state encourages the use of service-learning as a mechanism for increasing student achievement and engagement (11 states – CA, CT, FL, IN, MI, MS, NC, SC, TN, TX plus DC)
- Service-learning is included in the state's education standards (six states – ID, MI, MN, NJ, NM, VT)
- The authorization of funding appropriations and the creation of service-learning activities and programs (six states – MA. MN, MS, NJ, NM, VT)

Proposed Legislation:

California

- A.B. 1911, would encourage governing boards of school districts maintaining grades 9-12 to offer students courses that include service-learning (August 24, 2000, In Senate Committee on Appropriations – not heard).
- S.B. 919, would require the California Postsecondary Education Commission to develop a Master Plan for Service Learning (September 1, 1999, In Assembly Committee on Appropriations)

Hawaii

- S.R. 69, a proposed service-learning high school graduation requirement (April 3, 2000 – no carryover)

Idaho

- H.B. 727, a proposed service-learning high school graduation requirement (March 16, 2000 – no carryover)

Iowa

- S.B. 2172, would provide incentive grants to school districts for service-learning education (June 22, 2000 – no carryover)

Massachusetts

- S.B. 261, S.B. 264, S.B. 288, all relate to the establishment of Community Service-Learning Initiative (June 12, 2000 – from Joint Committee on Education, Art and Humanities)

Missouri

- H.B. 352, H.B. 1179, H.B. 1221 relate to encouraging and tracking service-learning activities and providing technical assistance to school districts throughout the state in both K-12 and higher education (January 6, 11 and 13, 2000 – House Committee on Education)

New Mexico

- S.B. 9a, would allow funds from the Next Generation Trust Fund to go toward service-learning activities (vetoed by governor, April 4, 2000)

New York

- A.B. 2891, S.B. 807, relate to service-learning activities in public universities (January 12, 2000 – no carryover)

Conclusion

Service-learning still has a long way to go before it is institutionalized in the education policy structure of states. As more evidence is collected regarding the effectiveness of using service-learning as a strategy to achieve outcomes that policymakers care about, we will see more movement toward state policies that support service-learning. Until then, the growing excellent programmatic base of service-learning will continue to make service-learning a visible mechanism for increasing student achievement.

(States with an asterisk indicate no response.)

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
Alabama	None	None	None	None	Corporation for National Service (CNS) funds administered through the Alabama Department of Education	Learn and Serve Alabama Cyndi Townley 334-242-8199

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
Alaska*	None	None	None	None	CNS administered through the Alaska Department of Education	Learn and Serve Alaska – Engages students in structured service projects that meet community needs and helps participants develop personal, civic and academic skills. 907-269-4500 (for information) ROPE – Americorps members provide tutoring, mentoring, coaching, volunteer coordination and service-learning for students pre-K-12
American Samoa	None	None	None	None	None	None
Arizona	None	None	None	None	CNS Some tobacco tax funds	Learn and Serve Arizona Jan Brite 602-542-4365 Some prevention programs incorporate service-learning
Arkansas	None	S.B. 53 (Jun-93) Permits one credit for community service to be applied toward graduation	None	Ark. Code Ann. 6-16-120 (Repl. 1993) Arkansas Department of Education Rules and Regulations Governing the Service-Learning Program. 2.01 Establishes the requirements for the Arkansas Service-Learning Program. **4.00 SERVICE LEARNING REQUIREMENTS** 4.01 In order for a student	CNS	Barbara Patty 501-682-5303

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
				to be eligible for academic credit for community service, the agency or organization that will certify completion of such service shall be approved by the Arkansas State Board of Education and the local school board. 4.03 Documentation of community service and/or approval of an agency or organization by the State Board of Education to certify community service for academic credit shall be prescribed by the state board. 4.04 All public school districts are approved by the State Board of Education to certify community service. 4.05 Upon notification to the State Board of Education, a school district may choose to waive participation in the community-service program.		
California	None	S.B. 984 – Creates the Cesar Chavez Day of Service and Learning Program (August 10, 2000). Requires the State Board of Education to adopt a model curriculum guide for use by public schools for exercises related to Cesar Chavez Day.)	None	There are no state board policies besides publicly announced service-learning goals (by the year 2004, 50% of CA schools should offer students at least one community-service or service-learning opportunity per grade span), but 58 districts have community-service graduation requirements and 21 have service-learning requirements	CNS administered through the California Department of Education	CalServe Contact: Mike Brugh 916-653-7971 CalServe's statewide partners include: Campus Compact, California State University, Office of the Chancellor, California Community Colleges, Constitutional Rights Foundation, Service-Learning Research and Development Center, The California Commission on Improving Life through

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
						Service, Farmers Insurance Group, The Volunteer Centers of California, Youth Service California, Service-Learning 2000 Center
Colorado	None	None	None	None	CNS	Learn and Serve Colorado Kate Cumbo 303-866-6969
Connecticut	None	S.B. 309, PA 93-111 (Jun-93) This relates to requirements for seeking credit for community service for high school graduation. A student must perform at least 50 hours of service and have at least 10 hours of related classroom instruction.	None	None, except a statement letter from the superintendent of schools that states "we are encouraging service-learning, cooperative work experience in schools and school-to-career programs"	CNS	Learn and Serve Connecticut Michele Stewart-Copes 860-566-6101
Delaware*	None	H.B. 506 (Jul-98). Sets out specific requirements and benefits for students who may perform volunteer community service to earn a high school credit called "Delaware Volunteer".	14 Del. C. §8902A (2000) Provisions for H.B. 506	None	CNS	Delaware Learn and Serve America Kathy Tidball 302-739-4885

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
District of Columbia	None	None	None	Title 5: Board of Education Ch. 16: License Requirements. CDCR 5-16-1601 (2000) Requirements for a teaching certificate requires six semester hours in character education. Ch. 22: Grades, Promotion and Graduation CDCR 5-22-22-3 (2000) Requires students to complete 100 hours of community service as a graduation requirement. Directive from the Office of the Superintendent (2-17-00): Action plan to establish peaceable schools includes the use of character development DC 5-22-2203	Appropriated budget provides extra duty pay stipends for the 17 community-service liaisons in the high schools who are responsible for coordinating community-service and service-learning at the local school.	District of Columbia Learn and Serve Beverly O'Bryant 202-442-5155
Florida	None	H.B. 197 (1997) An act relating to student readiness for postsecondary education and the workplace. "All students shall be encouraged to take part in service-learning opportunities."	None	None	CNS School and community-based grants	Florida Learn and Serve K-16 VISTA initiative Contact: Joe Follman 850-644-0260 jfollman@admin.fsu.edu

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
Georgia	None	S. B. 50 (May-97) This bill directs the Department of Education to operate a state program designed to provide enhanced academic resources, community service activities, and other enrichment activities to middle school children during nonschool hours. One goal is to increase participation by students in supervised academic, educational, and voluntary community service activities.	Ga. Comp. R. & Regs.r. 379-1-01 (1999). Regarding the purpose of community based Learn and Serve America programs, the Georgia Commission for National and Community Service will administer community-based Learn and Serve Grants. The purpose of the grant program is to provide financial assistance to community-based agencies to create and offer service-learning opportunities for all school-age youth.	Georgia Department of Education. Ch 160-1-4 Grant Programs (1999). Georgia Character Education Resource Center administrative support grant. Terms and conditions of the Grant. Georgia Department of Education, Office of Instructional Programs. Ch 160-4-2 (1999). Local boards of education shall provide instruction in character education. Each local board shall adopt a plan for implementing character education and a guide to be used in the development of character education programs.	CNS Community-based grants	Georgia Learn and Serve 770-622-0483
Hawaii	None	None	None	None	CNS Funding for the state Learn and Serve K-12 director, who has other duties, and secretary is from state general funds. Some funding by foundations, for example, Hawai'i Community Foundation	Learn and Serve Hawai'i Stephen Kow 808-394-1360 Teachers and Students at Work for Hawai'i Carl Ackerman 808-988-9901
Idaho*	None	Executive Order 7 (2000). The establishment of the Idaho Commission for	None	Board of Education Title 02 Ch. 03: Rules Governing Thoroughness (2000). Service-Learning is a part of an integrated assessment combining service with learning	CNS	Robert Sobotta Idaho Department of Education 208-332-6800

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
		National and Community Service. The commission is to assist the Department of Education prepare grants for CNS.		activities to allow students to participate in experiences in the community that meet actual human needs.		
Illinois	None	None	Illinois Administrative Code, Title 47 Ch. IV. Part 610 (2000). Selection criteria for proposals for the Illinois AmeriCorps program include the "ability to provide… service-learning and other education opportunities… to members."	None	CNS	P-16 Service-Learning Task Force Dr. Jane Angelis 618-453-1186
Indiana*	None	S.B. 65 (Aug-93) Encourages school corporations to permit high school juniors and seniors to earn up to two credits toward high school graduation for community or volunteer service. The new law requires students and community-service organizations to apply for the school's permission to receive credit.	None	None	CNS	Indiana Learn and Serve Evelyn Holt Otten 317-233-3163
Iowa*	None	None	Iowa Administrative Code 877 IAC 7.14	Iowa Code § 256.39 (1999). Career pathways program. "If	CNS	Iowa Coalition for the integration of Service-

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
			(84A,PL 105-220) (2000). Iowa Workforce Investment Act Program. The code discusses activities and services of the program including community and service-learning projects as part of the leadership development section.	the general assembly appropriates money for a career pathways program" the provisions of the program are outlined. The program would include service-learning opportunities for students.	General school district funds School-to-work funds Funds designated for at-risk students or Title I funds ComServe Grants	Learning. 515-281-3290 ComServ Iowa. A grant program to provide funds for local school districts interested in developing or expanding service-learning opportunities. Iowa Service-Learning Partners. Joe Herrity 515-281-3290
Kansas	None	None	None	None	Partnership in Education Pilot Project Grants. $1 million for four years to fund the Character Education Project CNS	Character Education Project 785-296-3069 Kansas Office for Community Service: Learn and Serve 785-368-6207
Kentucky	None	H.B. 77 (2000) relating to student dropout prevention. Defines service-learning as one of several programs that can target student dropouts.	None	None	CNS funds administered through the Kentucky Department of Education Funds from H.B. 77 can be used for service-learning	Kentucky Serve P-12 Service-Learning Initiative Karen Schmalzbauer 502-564-3678
Louisiana	None	S.B 233 1995. Provisions of the Louisiana Serve Commission. The Legislature finds that service-learning, in addition to other community-service activities, expands the opportunities for learning to serve within the school	None	Board of Elementary and Secondary Education: Louisiana 7245 (2000). Establishes a rule requiring school systems to develop character education philosophy and implementation plans consistent with locally developed curriculum.	CNS funds administered through interagency agreement between LADOE and Louisiana Serve Commission	Louisiana Serve Commission: K-12 Learn and Serve Kay Bailey 225-342-3333

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
		and within the wider community. The purpose of the commission is to develop a comprehensive plan for action for community-service initiatives in the state and to act as the state's policymaking body for the Corporation for National and Community Service.				
Maine	None	None	None		CNS	Edward Maroon 207-287-5854
Maryland	None	None	Same as State Board Regulation	The State Board of Education adopted the current mandatory system in 1992 and it became effective in the 1993-94 school year. Maryland students shall complete one of the following: (1) Seventy-five hours of student service that includes preparation, action and reflection components and that, at the discretion of the local school system, may begin during the middle grades; or (2) A locally designed program in student service that has been approved by the State Superintendent of Schools	State funding through the Department of Education and through state legislation called "State Aided Institutions" CNS Private foundations	Maryland Student Service Alliance, a public/private partnership with the State Department of Education to enhance service-learning in the state. 410-767-0356
Massachusetts	None	None	Mass. Ann. Laws Ch. 69, § 1D (1999). Regarding the establishment of statewide education	None	CNS State legislature authorizes $800,000 for programs	Massachusetts Learn and Serve Jessica Donner 781-388-6306

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
			goals and standards including the ability for the board to set standards for community service-learning activities and programs			
Michigan	None	Michigan Statutes Title 3, Part 3, Ch. 16 a. (1999) "The purpose of the Michigan internship program is to (a) provide immediate personnel assistance to government agencies through the work of students concerned with government affairs. b) provide constructive service-learning opportunities for students seeking to participate in the solution of government problems."	None	State Board of Education (1998) adopted Michigan Standards for service-learning. The 11 standards are based on National Service-Learning Cooperative's Elements of Effective Service-Learning Practice.	CNS	Learn and Serve Michigan Barbara Knutson 517-335-0138 Michigan Community Service Commission 517-335-3047 Service Learning Leadership Council Michigan Internship Program
Minnesota	None		123A.06 Center programs and services (area learning centers) 124D.19 Community education programs; advisory council. 124D.32 Learn and earn graduation achievement program. 124D.37-124D.45 Minnesota Youth Works Act.	State Board Graduation Standards (3501.0300-3501.0469). The Profile of Learning Areas 1-10 mention service-learning several times.	CNS **State:** $1 per capita levy raises nearly $4,000,000 annually. MN Department of Children, Families and Learning received $1,000,000 from *Learn and Earn*, $12,000 Taking Next Steps, $190,000 for Funding	• Minnesota Commission on National and Community Service • Minnesota Youth Development/ Youth Service Program • Learn and Serve America • Community-Based Youth Service • Minnesota Conservation Corps Summer Youth Program

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
			124D.46 Education and employment transitions system. 124D.49 Education and employment transitions partnerships. 124D.50 Service-learning and work-based learning curriculum programs. 268.561 Minnesota Youth Program. 268.665 Workforce development council. 126C.32 Core instructional aid. 120B.04 Lifework development plan. 121.703 Duties of the Commissioner. 122A.60 Staff development program. 120B.22 Violence prevention education.		for the Advancement of Service-Learning, $10,000 for Assessing Learning Through Service, $400,000 over four years Learning In Deed (ECS)	• Service-Learning through School-to-Work Partnerships • Minnesota Department of Children, Families & Learning • National Service Learning and Assessment Network • Community Interaction and Awareness • National Service-Learning Training and Technical Assistance Exchange • Learn and Serve K-12 Programs/ America • Minnesota Office of Citizenship and Volunteer Service • Minnesota School-to-Work Initiative • Funds for the Advancement of Service-Learning • National Youth Leadership Council • W.K. Kellogg Youth Peer Consultant Initiative • F.E.L.L.O.W.S. Project
Mississippi	None	S.B. 2121 authorizes local school districts to develop and implement a comprehensive K-12 program for character education. Such programs require approval from the State Board of Education	None	MS State Board of Education Policy Manual. CMSR 36-000-001 (2000). The policy of the state board of education shall be to encourage each school district and each school to ensure the inclusion of character education in all of the curriculum and to include character education in the staff development programs for teachers.	CNS	Learn and Serve Mississippi Clarence Lovelady 601-359-3598

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
		S.B. 2447 (2000). An act to authorize the governing authorities of the city of Hattiesburg to donate a sum of money to the University of Southern Mississippi office of Community Service Learning; and for related purposes.				
Missouri	None	None	None	None	CNS	Missouri Community Service Commission Curt Hendricks 573-751-7488 Missouri Learn and Serve Karen White 573-526-5395
Montana	None	None	Montana Code Annotated. § 90-14-103 (1999). The Office of Community Service. The general purpose is to "renew the ethic of civic responsibility in the state." The director shall integrate and develop state plans for all services provided under this section, including the Office of Public Instruction's service-learning program.	None	CNS	June Atkins 406-444-3664
Nebraska	None	None	None	None	CNS	Statewide Commission Initiative Americorps Program that calls for members' 500 Nebraska

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
						teachers to be trained in service-learning procedures and methodologies. Debra Hartman Executive Director Nebraska Commission 402-471-6227 Learn and Serve Nebraska Winona Maxon 402-471-4812
New Hampshire	None	None	Admin rules, Ed 1402.01 (2000). Pertaining to vocational technical education including service-learning projects as defined in the National and Community Service Trust Act of 1993. Admin Rules, Ed 509.03 (2000). Pertaining to teacher recertification standards. The teacher must show evidence of staff development in a number of areas including "incorporating the basic elements of character education, citizenship, leadership, and community service into courses of study within the classroom."	None	CNS	New Hampshire Service-Learning and School Improvement Initiative John Deziel 603-271-3719
New Jersey	None	A state appropriation bill for fiscal year 2001 was passed by the NJ State	Strategic Plan for Systemic Improvement of Education in NJ. Strategy eight states:	None	CNS	Learn and Serve America: School-Based Programs Linda Rivera 609-292-1834

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
		Legislature to create the New Jersey Character Education Partnership (NJCEP). NJCEP provides $4.75 million dollars to school districts to develop character education programs. There are a number of service-learning program models that the department recommends for consideration by districts.	"community service and service learning opportunities for all students as a means of enriching their academic learning, applying learning to real life and work situations and developing skills for productive citizenship."			NJ Commission on National and Community Service Rowena Madden 609-633-9627 NJ Character Education Partnership Dr. Phil Brown 609-292-5935
New Mexico	None	H.B. 29 A (2000). Regarding appropriations to state agencies. $100,000 given to the State Department of Education to expand service-learning initiatives.	New Mexico Admin. Code. Title 6, Ch 3, Part 2 "Standards for Excellence." "New Mexico schools and communities recognize and promote character education as a means to achieve student success as responsible, productive, and caring citizens."	None	CNS Appropriation for state match of CNS funds	Rocky Mountain Youth Corps Robert Olix Ed.D. Director of K-12 Services 505-827-6652 Americorps
Nevada	None	None	None	None	CNS	Jan Wright 775-687-9197
New York	None	None	None	None	CNS	New York State Learn and Serve America: K-12 School-based Program Fran Hollon 518-486-5202
North Carolina	None	None	None	None, but board has endorsed the Schools of Promise Campaign, which includes service-learning as a requirement.	CNS with state match	Learn and Serve North Carolina Norman Camp 919-807-3764
North Dakota*	None	None	None	None	CNS	Not available

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	
Ohio	None	None	None	Governor's Community Service Council (GCSC) adopted the *Unified State Plan to Further Volunteerism, Service, Learning and Giving* throughout the state of Ohio (implemented over 1999-2001). The Plan includes the development of financial resources, strengthening infrastructure, advancement through legislation and conduct statewide research on volunteerism, service, learning and giving.	CNS Fund for the Advancement of Service-Learning	Governor's Community Service Counci,l an agency made up of 13 appointees and eight state agency legislative representatives. Learn and Serve Ohio K-12 Charlotte Jones-Ward 614-466-8920 Regional Service Learning Collaboratives: GCSC and ODOE fund and support these collaboratives in the 12 economic regions in the states
Oklahoma	None	Oklahoma Statute Title 70 §11-108.2 School districts may establish as part of the curriculum a youth community service program for secondary students which includes youth community service activities integrated with study and reflection on the experiences gained through youth community-service activities.	None	None	CNS State funding of $450,000 to OSDOE for Community Education Bilingual Education Section of DOE assists with funding of service-learning programs for multicultural sites. 21st Century Learning Center funds $40,000,000 for 53 programs in Oklahoma	Oklahoma Character Education Clearinghouse Dr. Mary Meritt Oklahoma State Department of Education Community Education and 21st Century Learning Center programs Charles Mohr 405-521-4795 Title I AmeriCorps VISTA travel and training Carol Lingreen Bilingual Education Van Anderson
Oregon	None	ORS 336.177 Community Service Programs Guidelines: Subject to the approval of the Oregon Board of Education, the Oregon DOE			CNS $400,000 over four years from Learning In Deed	Learn and Serve Oregon Beverlee Jackson 503-378-3584, ext. 369

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
		shall develop curriculum guidelines for community service programs and make such guidelines available for use in school districts.				
Pennsylvania	None	None	None	None	CNS Universities	Pennsylvania Service-Learning Alliance: Sponsored by the Universities of Pennsylvania and Pittsburg, this is a statewide consortium of higher education, K-12 public and private schools and community-based organizations. Their goal is to nurture and expand the statewide service-learning infrastructure Learn and Serve America: K-12 School-Based Program administered through the Pennsylvania Department of Education Dorothy Hershey 717-783-7089
Rhode Island	None	S.B. 2383 1997-98. Requires the Department of Education to develop a community service-learning requirement for high school diploma qualification. S.B. 718 1999-2000. Extends the effective date of	None	None	CNS	Learn and Serve Rhode Island Diana Crowley 401-222-4600 ext. 12167

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
		legislation permitting community service learning to be used as credit for high school diploma to Sept. 1, 1999.				
South Carolina	None	None	SC Code Regs. 43-225 (2000). School-to-Work Transition Act Regulations. Service-learning experiences are encouraged in the School-to-Work Program.	None	CNS – grants are awarded to school districts in an effort to strengthen district-wide support for service-learning. $400,000 for four years Learning In Deed	Learn and Serve South Carolina Kathy Gibson Carter 803-734-5685
South Dakota*	None	None	None	None	CNS	Not available
Tennessee	None	None	None	Tennessee Rules and Regulations: The State Board of Education (Tenn. Comp. R. & Regs. R. 0520-1-3-.05) (2000). The state curriculum framework encourages the use of character education in K-12 instruction. Tenn. Comp. R. & Regs. 0520-1-3-.06 (2000). "Local boards of education are authorized to implement programs for school-based enterprises, studios, laboratories and service-learning to provide work-based learning experiences. These experiences must be integrated with classroom instruction. Tennessee does have board adopted service-learning standards for high school courses (grades 9-12). They can be retrieved at www.state.tn.us/education/ci/ciserviceframe.htm	CNS Four individual foundation grants	The Tennessee Commission on National and Community Service 615-532-9250 Tennessee Department of Education. Tennessee Learn and Serve Jan Bushing 615-741-9237 Partners in Service-Experienced practitioners in service-learning

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
Texas	None	None	None	Unified State Plan states that regional service-learning advisory council members from districts, schools and communities will serve as the mechanism for supporting and sustaining youth leadership, service-learning and volunteerism.	CNS	Texas Center for Service-Learning at the Charles A. Dana Center Elizabeth Manning 512-232-3400 The Initiative for the Advancement of Service Learning has created 13 regional service-learning advisory councils to focus on the institutionalization of service-learning. Ande England 512-232-2290
Utah*	None	H.B. 257 (1994). Creates a commission on national and community service.	Utah Administrative Code (U.A.C. R277-465-4) (2000). Regarding Character Education funding, grants of $20,000-$30,000 shall be awarded annually to 8-12 school districts. Districts receiving this money must show integration of character education into the core curriculum.	None	CNS administered through Utah State Office of Education	Utah Learn and Serve Harley Paulson 801-538-7826
Virginia	None	None	None	None	CNS administered through the Virginia Department of Education	Virginia Learn and Serve Yvonne Thayer 804-225-2293
Virgin Islands	None	None	None	None	None	None
Vermont*	None	None	Vermont Rules [(CVR 22-000-003, sec. 2120.8.2.3 (2000)]. Department of Education; relating to School Quality Standards and other issues. "Each school shall provide opportunities,	School Quality Standards adopted by the state board in 1998. The standards are outlined in the Vermont Framework of Standards and Learning Opportunities. Service-learning is included in the Curriculum Leadership, Content and Coordination section (2120.8.2.3.) (see	CNS administered through the Vermont State Department of Education	Vermont Department of Education is supporting school to meet the Annenberg Rural Challenge through service learning Robert McNamara 802-828-5401 National Study Group to Assess Learning Through

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
			appropriate to age and ability for students to engage in service learning."	Code).		Service, Social Responsibility and Citizenship Vermont Commission on National and Community Service Vermont Department of Education Doug Chiapetta 802-828-2756 Foundation for Excellent Schools, a private nonprofit that has partnered with VDOE, has $750,000 over three years to support 25 districts with service-learning 802-462-3170
Washington	None	None	None	None	CNS	Learn and Serve Washington based in individual schools across Washington. Gayle Pauley 360-853-2858
West Virginia	None	None	None	None	CNS	West Virginia Commission for National and Community Service Jean Ambrose 304-558-0111 West Virginia Service-Learning Institute Paula Flaherty 304-347-6914 Hi-Y Leadership Center Dave King 304-478-2481
Wisconsin	None	Wisconsin State Statute: 118.33 (1) © A school board may require a pupil to participate in	None	None	CNS through Wisconsin Department of Public Instruction Community	Learn and Serve Wisconsin delivered through 12 Cooperative Educational Service Agencies for the Wisconsin Department of Public Instruction

States	Constitution	Statute	Code/ Regulation	Board Regulation	Funding	Programs
		community service activities in order to receive a high school diploma.			education/service-learning consultant funding from general program revenue	Jeff Miller 608-261-7494
Wyoming	None	None	None	None	CNS	Wyoming Department of Education Kathleen Scheurman 307-777-7843

The document was researched and compiled by Katy Anthes a research associate at the Education Commission of the States. All states were contacted to verify the information written in this document. For more information on service-learning, please contact Lou Myers at ECS 303-299-3644.

The Compact for Learning and Citizenship (CLC), a project of the Education Commission of the States (ECS), provides K-12 school leaders, legislators and other education stakeholders with resources, profiles and strategies to integrate service-learning through practice and policy. District superintendents and chief state school officers are invited to join. The CLC Web site (www.ecs.org/clc) also provides links to other organizations, clearinghouses, publications and resources. Contact Terry Pickeral, executive director, at 303.299.3636 or tpickeral@ecs.org, or Lou Myers, project coordinator, 303.299.3644 or lmyers@ecs.org.

© Copyright 2000 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

ECS StateNotes

Safety/Crime/Violence

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

Discipline of Special Education Students

Updated October 2001

Under the federal Individuals with Disabilities Education Act (IDEA), all students, including those with mental, physical and emotional disabilities, are entitled to a free and appropriate public education. Since passage of this act, court decisions have placed important restrictions on public schools' authority to impose a disciplinary expulsion or long-term suspension on a student who is eligible for special services. How, then, should children with disabilities be disciplined when they pose a threat to school staff and fellow students?

Amendments made to the federal Improving America's Schools Act (IASA) in 1994 helped change the way schools can discipline students with disabilities. The changes allow the Individual Education Plan (IEP) team — a core of educators who have personal contact with the student — and the parents to place the student "in an interim alternative educational placement for up to 45 days, even if the parent objects" (see Note #1). The most notable piece of federal legislation with this provision is House Bill I – which is the House version of the reauthorization of the Elementary and Secondary Education Act (ESEA). As of this writing, H.B. 1 had not moved out of conference committee.

While the conversation continues at the federal level, the following states have addressed the discipline issue on their own. Although this list is not comprehensive, it represents states that have enacted legislation or regulations allowing for the expulsion of special education students. Details from federal regulations follow the state chart.

State	Citation	Grounds for Expulsion	Year Enacted Or Amended	Alternative Educational Opportunity Required?
AZ	§15-844	Conforms state statute to federal regulations relating to the suspension and expulsion proceedings for pupils with disabilities.	1999	Yes
CO	§22-33-106	Child may not be expelled "if the actions creating such threat are a manifestation of such child's disability." However: "Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time which is consistent with federal law."	1993	Yes, if "the actions creating such threat are a manifestation of such child's disability"
CT	PA 95-304, HB 6898	-- Weapons-related conduct -- Distributing illegal drugs at school -- Only expelled when the misconduct was found not to be caused by his/her disability.	1995	Yes
FL	FAC 6D-3.002	"if the student is considered to be a danger to self or others."	1996	Not available
ID	§ 33-205	Student who carries a firearm or weapon onto school property shall be expelled; however, "discipline of students with disabilities shall be in accordance with	1995	Not available

		the requirements of federal law part B of the Individuals with Disabilities Education Act and section 504 of the Rehabilitation Act."		
IL	§ 10-22.6(D)	Bringing a weapon to school. Student to be expelled for not less than one school year and not more than two school years. However, "expulsion or suspension shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act."	1995	Referral to alternative school permitted
KY	§ 158.150	Students will be expelled for "...not less than one year..." for bringing a weapon to school and will be subjected to "...disciplinary actions, up to and including expulsion from school ..." for possession of drugs. An exception to this policy is made if it is determined that the actions of an "exceptional child" are related to his/her disability. If that is the case, then "...the child shall not be suspended any further or expelled unless the current placement could result in injury to the child (or others)."	2001	Yes
LA	§1948A, 1952A	Conforms state statute to federal regulations relating to the suspension and expulsion proceedings for pupils with disabilities.	1998	Yes
ME	§ A-1.20-A(9-B)	Conforms state statute to federal regulations relating to the suspension and expulsion proceedings for pupils with disabilities.	1999	Yes
NJ	NJAC 6:28-2.8 (a)	Refers to the responsibility of local districts for disciplining students with educational disabilities: Pupil with educational disabilities may be suspended for up to 10 school days without initiating action by the Child Study Team. The Child Study Team must determine whether the pupil's misconduct was primarily caused by the educational disability. Legislation eliminates the requirement for automatically conducting an initial Child Study Team evaluation of a pupil not previously identified as potentially educationally disabled, prior to initiating expulsion proceedings.	1995	Unspecified
NM	SBE Regulation No. 81-3	Students in special education may not be expelled or suspended long term unless Educational Appraisal and Review (EA&R) Committee has first considered the case and reported its findings to the designated disciplinarian. The basic function of the EA&R Committee is to determine whether a student's misconduct might be ascribed to the school's inappropriate response to his/her needs. This includes consideration of whether a modified placement might correct the objectionable behavior.	1981	Unspecified
TX	§37.004	Conforms state statute to federal regulations relating to the suspension and expulsion proceedings for pupils with disabilities.	2001	Yes
UT	§53A-15-305(2)	Conforms state statute to federal regulations relating to the suspension and expulsion proceedings for pupils with disabilities.	1997	Yes
WV	§18A-5-1a (h)	If special education students bring any deadly weapon to school, they may be suspended for a period of 45 days. Also permits the suspension of students with disabilities for up to 10 days for other violations.	1996	Yes

		However, all state punishments must be in line with federal IDEA regulations.		

Notes:
(1) "Congress Made Limited Exception to IDEA Stay-Put Rights and Is Considering Other Amendments." Center for Law and Education, Inc. *Newsnotes*, Fall 1995.

Implementing IDEA
Federal Regulations for the Individuals with Disabilities Education Act of 1997
(Adopted on March 12, 1999)

§300.576 Disciplinary information.
(a) The State may require that a public agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled children.
(b) The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child.
(c) If the State adopts such a policy, and the child transfers from one school to another, the transmission of any of the child's records must include both the child's current individualized education program and any statement of current or previous disciplinary action that has been taken against the child.
(Authority: 20 U.S.C. 1413(j))

Discipline Procedures
§300.519 Change of placement for disciplinary removals.
For purposes of removals of a child with a disability from the child's current educational placement under §§300.520-300.529, a change of placement occurs if (a) The removal is for more than 10 consecutive school days; or (b) The child is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.
(Authority: 20 U.S.C. 1415(k))

§300.520 Authority of school personnel.
(a) School personnel may order (1)(i) To the extent removal would be applied to children without disabilities, the removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under §300.519(b));
(ii) After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under §300.121(d); and
(2) A change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days, if (i) The child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or (ii) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.
(b)(1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under §300.519, including the action described in paragraph (a)(2) of this section.
(i) If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan.

(ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior.
(2) As soon as practicable after developing the plan described in paragraph (b)(1)(i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.
(c)(1) If subsequently, a child with a disability who has a behavioral intervention plan and who has been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under §300.519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.
(2) If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.
(d) For purposes of this section, the following definitions apply:
(1) **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
(2) **Illegal drug** (i) Means a controlled substance; but (ii) Does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
(3) **Weapon** has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.
(Authority: 20 U.S.C. 1415(k)(1), (10))

§300.521 Authority of hearing officer.
A hearing officer under section 615 of the Act may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer, in an expedited due process hearing, (a) Determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the child or to others; (b) Considers the appropriateness of the child's current placement; (c) Considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and (d) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the child's special education teacher, meets the requirements of §300.522(b). (e) As used in this section, the term substantial evidence means beyond a preponderance of the evidence.
(Authority: 20 U.S.C. 1415(k)(2), (10))

§300.522 Determination of setting.
(a) **General**. The interim alternative educational setting referred to in §300.520(a)(2) must be determined by the IEP team.
(b) **Additional requirements**. Any interim alternative educational setting in which a child is placed under §§300.520(a)(2) or 300.521 must (1) Be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and (2) Include services and modifications to address the behavior described in §§300.520(a)(2) or 300.521, that are designed to prevent the behavior from recurring.
(Authority: 20 U.S.C. 1415(k)(3))

§300.523 Manifestation determination review.
(a) **General**. If an action is contemplated regarding behavior described in §§300.520(a)(2) or 300.521, or involving a removal that constitutes a change of placement under §300.519 for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the LEA that applies to all children (1) Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and provided the procedural safeguards notice described in §300.504; and (2) Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review must be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.
(b) **Individuals to carry out review**. A review described in paragraph (a) of this section must be conducted by the IEP team and other qualified personnel in a meeting.

(c) **Conduct of review**. In carrying out a review described in paragraph (a) of this section, the IEP team and other qualified personnel may determine that the behavior of the child was not a manifestation of the child's disability only if the IEP team and other qualified personnel (1) First consider, in terms of the behavior subject to disciplinary action, all relevant information, including (i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the child; (ii) Observations of the child; and (iii) The child's IEP and placement; and (2) Then determine that (i) In relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement; (ii) The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and (iii) The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.
(d) **Decision**. If the IEP team and other qualified personnel determine that any of the standards in paragraph (c)(2) of this section were not met, the behavior must be considered a manifestation of the child's disability.
(e) **Meeting**. The review described in paragraph (a) of this section may be conducted at the same IEP meeting that is convened under §300.520(b).
(f) **Deficiencies in IEP or placement**. If, in the review in paragraphs (b) and (c) of this section, a public agency identifies deficiencies in the child's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.
(Authority: 20 U.S.C. 1415(k)(4))

§300.524 Determination that behavior was not manifestation of disability.
(a) **General**. If the result of the review described in §300.523 is a determination, consistent with §300.523(d), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in §300.121(d).
(b) **Additional requirement**. If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
(c) **Child's status during due process proceedings**. Except as provided in §300.526, §300.514 applies if a parent requests a hearing to challenge a determination, made through the review described in §300.523, that the behavior of the child was not a manifestation of the child's disability.
(Authority: 20 U.S.C. 1415(k)(5))

§300.525 Parent appeal.
(a) **General.**
(1) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement under §§300.520-300.528, the parent may request a hearing.
(2) The State or local educational agency shall arrange for an expedited hearing in any case described in paragraph (a)(1) of this section if a hearing is requested by a parent.
(b) **Review of decision**.
(1) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of the child's disability consistent with the requirements of §300.523(d).
(2) In reviewing a decision under §300.520(a)(2) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards in §300.521.
(Authority: 20 U.S.C. 1415(k)(6))
§300.526 Placement during appeals.
(a) **General.** If a parent requests a hearing or an appeal regarding a disciplinary action described in §300.520(a)(2) or 300.521 to challenge the interim alternative educational setting or the manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in §300.520(a)(2) or 300.521,

whichever occurs first, unless the parent and the State agency or local educational agency agree otherwise.
(b) **Current placement**. If a child is placed in an interim alternative educational setting pursuant to §300.520(a)(2) or 300.521 and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the child must remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in paragraph (c) of this section.
(c) **Expedited hearing**.
(1) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the LEA may request an expedited due process hearing.
(2) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in §300.521.
(3) A placement ordered pursuant to paragraph (c)(2) of this section may not be longer than 45 days.
(4) The procedure in paragraph (c) of this section may be repeated, as necessary.
(Authority: 20 U.S.C. 1415(k)(7))

§300.527 Protections for children not yet eligible for special education and related services.
(a) **General**. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in §§300.520 or 300.521, may assert any of the protections provided for in this part if the LEA had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.
(b) **Basis of knowledge**. An LEA must be deemed to have knowledge that a child is a child with a disability if (1) The parent of the child has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational agency that the child is in need of special education and related services; (2) The behavior or performance of the child demonstrates the need for these services, in accordance with §300.7; (3) The parent of the child has requested an evaluation of the child pursuant to §§300.530-300.536; or (4) The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of the agency or to other personnel in accordance with the agency's established child find or special education referral system.
(c) **Exception**. A public agency would not be deemed to have knowledge under paragraph (b) of this section if, as a result of receiving the information specified in that paragraph, the agency (1) Either (i) Conducted an evaluation under §§300.530-300.536, and determined that the child was not a child with a disability under this part; or (ii) Determined that an evaluation was not necessary; and (2) Provided notice to the child's parents of its determination under paragraph (c)(1) of this section, consistent with §300.503.
(d) **Conditions that apply if no basis of knowledge**. (1) General. If an LEA does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with paragraph (d)(2) of this section.
(2) Limitations. (i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under §300.520 or 300.521, the evaluation must be conducted in an expedited manner. (ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. (iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, including the requirements of §§300.520-300.529 and section 612(a)(1)(A) of the Act.
(Authority: 20 U.S.C. 1415(k)(8))

§300.528 Expedited due process hearings.
(a) Expedited due process hearings under §§300.521-300.526 must (1) Meet the requirements of §300.509, except that a State may provide that the time periods identified in §§300.509(a)(3) and

§300.509(b) for purposes of expedited due process hearings under §§300.521-300.526 are not less than two business days; and (2) Be conducted by a due process hearing officer who satisfies the requirements of §300.508.
(b)(1) Each State shall establish a timeline for expedited due process hearings that results in a written decision being mailed to the parties within 45 days of the public agency's receipt of the request for the hearing, without exceptions or extensions.
(2) The timeline established under paragraph (b)(1) of this section must be the same for hearings requested by parents or public agencies.
(c) A State may establish different procedural rules for expedited hearings under §§300.521-300.526 than it has established for due process hearings under §300.507.
(d) The decisions on expedited due process hearings are appealable consistent with §300.510.
(Authority: 20 U.S.C. 1415(k)(2), (6), (7))

§300.529 Referral to and action by law enforcement and judicial authorities.
(a) Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.
(b)(1) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.
(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.
(Authority: 20 U.S.C. 1415(k)(9))

Updated by Michael Griffith, policy analyst, ECS (303.299.3625) with support from the Policymaker Partnership, a project directed by the National Association of State Directors of Special Education.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

ECS StateNotes

Special Education

Education Commission of the States 700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

Teacher-Related Issues in Special Education

Updated September 2001

State policies concerning special education teachers have come to the forefront with the reauthorization of the Individuals with Disabilities Education Act (IDEA) in 1997. Issue areas that have been addressed recently include teacher recruitment and retention, teacher training, professional development and training teachers to deal with visual or hearing-impaired students. This *ECS StateNote* looks at how states are addressing these issue areas.

Teacher Certification

According to a study released in 2001 by the National Association of State Directors of Teacher Education & Certification (NASDEC) forty-eight states and the District of Columbia have some form of certification for special education teachers. Montana and New Mexico are the only exceptions. The most common type of certificates for special education is for the education of individuals with certain types of physical and mental handicaps (i.e., hearing impaired, mentally retarded or physically impaired), but they also can be for students in certain age groups (e.g., early childhood, primary students or secondary students). In March 2000, Illinois moved away from the national trend of training teachers to handle specific handicaps by passing legislation requiring teachers to receive one of two general special education certifications. These new standards will require special education teachers to be trained across categories instead of specializing on any single disability. There still will be three categorical certificates in Illinois, however: Blind/Visually Impaired, Deaf/Hearing Impaired and Speech and Language Impaired. In addition, there will be a new designation for teachers trained to work with prekindergarten students.

Teachers of Students with Low-Incidence Disabilities

Hearing Impaired

Forty-seven states and the District of Columbia have a separate special education certificates or endorsements for the education of hearing-impaired students. (Montana, New Mexico and Washington do not.) Some states recognize that training special education teachers alone may not be enough to provide students with the help they need. For example, California passed legislation in September 2000 requiring the state's Commission on Teacher Credentials to issue standards for a specialization in counseling hearing-impaired pupils.

Visually Impaired

Only three states do not have a separate special education certificate or endorsement for teaching visually impaired students (Montana, New Mexico and Vermont). Four states (Ohio, New York, Virginia and Washington) have passed legislation requiring individuals who teach visually impaired students to have training in how to read Braille.

Recruitment and Retention

Is there a shortage of special education teachers?

A 1999 Study by the American Association for Employment in Education tracked 48 different K-12 teaching positions to determine if there were shortages within any teaching category. The study listed seven different fields of special education teaching; four of these fields (behavioral disorder, learning disability, multiple handicapped and mentally handicapped) were listed as the categories with the greatest nationwide teacher shortage. Six of the seven (the above four plus physically impaired and hearing impaired) were listed as teaching fields with "considerable shortage." The remaining category (visually impaired) was cited as having some teacher shortage.

In a January 2000 study entitled *The Urban Teachers Challenge: Teacher Demand and Supply in the Great City Schools,* 40 large city school districts were surveyed to determine if they had a teacher shortage in certain subject areas. Thirty-eight of the school districts stated they had an "immediate demand" for special education teachers at all grade levels. San Antonio replied that it needed special education teachers at the elementary and middle school levels, but not at the high school level. The only district that did not report an immediate demand for special education teachers at any grade level was Denver. (Recruiting New Teachers, Inc.; Council of the Great City Schools; Council of the Great City Colleges of Education)

What are states doing to recruit new special education teachers?

In 2000 and 2001 eight states (California, Georgia, Kentucky, Louisiana, Maine, North Dakota, Virginia and Wisconsin) passed legislation addressing teacher recruitment for understaffed subject areas, which could include special education. Legislation in four of these states (Georgia, Louisiana, North Dakota and Wisconsin) specifically addressed recruitment of teachers for special education subjects. State recruitment programs included providing salary bonuses (Georgia and Louisiana), allowing for the use of retired teachers (Kentucky), easing the standards necessary to become certified to teach (California and Maine) and loan-forgiveness programs (North Dakota, Virginia and Wisconsin).

Training

Are general education teachers provided with training in special education areas?

Forty states and the District of Columbia require special education coursework for general education teachers to become certified (NASDTEC Manual 2001, pg. B-4). Only Arizona, Arkansas, Florida, Hawaii, Idaho, Iowa, Louisiana, Minnesota, Montana and New Jersey do not have this requirement. Of these 40 states only three (Alaska, Texas and West Virginia) do not require specific course work requirements but require that students must meet competencies in this area. Certain states require specific courses. Indiana, for example, requires courses in disability awareness; Georgia requires a special education course in "identification and education of special education children," and Illinois requires a course in "identification and teaching methods for exceptional children."

Does the state require special education teachers to have training in student diversity?

Forty-five states and the District of Columbia require students to take cultural diversity courses or training prior to receiving their elementary or secondary teaching certificate (NASDTEC Manual 2001, pg. B-15). Only Alaska, Connecticut, Maine, Montana, New Jersey and Texas do not require it for a secondary certificate, and only Alaska, Connecticut, Michigan, Montana, New Jersey and Texas do not require it for an elementary certificate.

Professional Development

Is professional development required, and, if so, what form does it take?

As of 2001, only five states did not have some sort of professional development requirement for their teachers (Delaware, Hawaii, Nebraska, New Mexico, and New York). Typically, this professional development includes coursework, work experience, training or other renewal activities.

Who pays for professional development?

Of the 45 states and the District of Columbia that require some professional development, five states do not require the individual to shoulder any of the cost (Louisiana, New Jersey, New York, Oklahoma and Pennsylvania). Five states require the individual to pay all of the cost of their professional development (Arkansas, California, Indiana, Nebraska

and South Dakota). The remaining states and D.C. require the individual to pay part of the cost, with the remainder picked up by the state or the school district.

This *ECS StateNote* was completed by Michael Griffith, policy analyst, as part of ECS' involvement with the Policymaker Partnership, one of four linked projects funded by the U.S. Department of Education's Office of Special Education Programs. These projects are designed to help deliver a common message about the 1997 landmark amendments to the Individuals with Disabilities Education Act (IDEA).

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States

ECS StateNotes

Uniforms/Dress Codes

700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

School Uniforms and Dress Codes: State Policies

ECS Information Clearinghouse
2001

None of the following states legislatively mandates the use of school uniforms, although 21 states and the District of Columbia do authorize districts or schools to require them. States that have only "dress code" policies have not gone so far as to specifically address uniforms.

State	Summary	Code citation
Arizona (uniforms)	District boards may "require students to wear uniforms."	ARIZ. REV. STAT. §15-342
Arkansas (dress codes)	District board of directors may form a parent/student advisory committee to determine whether a districtwide student dress code should be enacted. After such a committee decides that a dress code policy should be adopted, the board may place the issue on the ballot of "any school election." However, "Nothing in this section shall be construed as requiring the board of directors of a local school district to adopt a uniform dress code or to hold an election on the issue."	ARK CODE ANN. §6-18-102
California (dress codes, uniforms)	School districts may establish "a reasonable dress code policy that requires pupils to wear a schoolwide uniform or prohibits pupils from wearing 'gang-related apparel.'" This policy may be adopted by individual schools as part of their school safety plan. Parents must be informed six months before children shall be required to wear uniforms to school. Includes requirement of parental opt-out policy, as well as provision that no pupil shall undergo sanctions for not participating in the school uniform policy. Students who participate in a "nationally recognized youth organization" with its own uniforms must be allowed to wear their groups' uniforms on "days that the organization has a scheduled meeting."	CAL. EDUC. CODE §35183 CAL. EDUC. CODE §35294.2
Colorado (dress codes, uniforms)	Boards may establish a dress code policy requiring students to wear school uniforms or may establish minimum standards of dress.	COLO. REV. STAT. § 22-32-109
Connecticut (uniforms)	"A local or regional board of education may specify a school uniform for students in schools under its jurisdiction."	CONN. GEN. STAT. §10-221f
Delaware (dress codes, uniforms)	District school boards are authorized to create and enforce "a dress code program, which may include school uniforms, for students within the district." Board policy must ensure that uniforms are offered at "an affordable price, and shall include provision to assist economically disadvantaged students in obtaining school uniforms."	14 DEL. CODE ANN. §4120

State	Summary	Code citation
District of Columbia (dress codes, uniforms)	In the superintendent's long-term reform plan, s/he must describe how s/he will develop and implement "a uniform dress code for the District of Columbia public schools, that (i) shall include a prohibition of gang membership symbols; (ii) shall take into account the relative costs of any such code for each student; and (iii) may include a requirement that students wear uniforms."	D.C. Stat. §31-2853.1.
Florida (dress codes, uniforms)	School boards may require uniforms to be worn by the student body, or impose other dress-related requirements, if the boards find those requirements are necessary for the safety and welfare of the student body or school personnel.	FLA. STAT. ANN. §230.23005
Illinois (dress codes, uniforms)	School boards may establish uniform policies for all or some schools under their jurisdiction, when "necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety." Grace period allowed for, during which students who have not purchased uniforms or dress-code compliant clothes will not be disciplined. Policy also must allow for procedure by which board will help or accommodate for "student from an indigent family in complying with an applicable school uniform or dress code policy." Parental opt-out on religious grounds allowed for.	ILL. COMP. STAT. §5/10-22.25b.
Indiana (dress codes)	"(a) The governing body of a school corporation must ...(1) Establish written discipline rules, which may include appropriate dress codes, for the school corporation."	IND. CODE. §20-8.1-5.1-7
Iowa (dress codes)	District board of directors may establish dress code policy (either districtwide or for individual schools in the district) that bans wearing of "gang-related or other specific apparel if the board determines that the policy is necessary for the health, safety or positive educational environment for students and staff in the school environment or for the appropriate discipline and operation of the school."	IOWA CODE ANN. §279.58
Kansas (dress codes)	In the section of law that enumerates grounds on which a board may suspend or expel a student or may authorize certificated employee or committee of such to suspend or expel a student, under Case Annotations, notes that school boards are "authorized to provide rules and regulations" in terms of a school dress code.	KY. REV. STAT. ANN. §72-8901
Louisiana (dress codes, uniforms)	Local school boards may establish a dress code, including a school uniform policy, "which allows each parent or guardian the option of using such uniforms. Each school may select a uniform for its students and display such uniform prior to the beginning of each school year. The city or parish school board may notify, in writing, the parent or guardian of each school student of the dress code specifications and its effective date. Nothing herein shall require the expenditure of school or school board funds."	LA. REV. STAT. ANN. §17:416.7
Maryland (uniforms)	Authorizes school board in Prince George's County to "implement the use of school uniforms by all students in the public schools in the county."	MD. CODE ANN. §3-1007
Massachusetts (prohibits dress codes except for health, safety, cleanliness)	"School officials shall not abridge the rights of students as to personal dress and appearance except if such officials determine that such personal dress and appearance violate reasonable standards of health, safety and cleanliness." The board may enact guidelines to implement the student rights' policies addressed in sections 82-84, after public school students have been notified and officials' consideration of students' views at a public hearing. "Said rules and regulations shall provide that, notwithstanding the existence of the rights and responsibilities described in the three preceding sections, school committees or school officials may take necessary action in cases of emergency. Students may petition for a hearing, to be held as soon as practicable after such emergency, as to whether such rules and regulations shall be revoked or modified."	MASS. GEN. LAWS ANN. CH. 71 §83 §71§ 85

State	Summary	Code citation
Minnesota (uniforms)	"Subd.4b. School uniforms. [...] [A] school board may require students to furnish or purchase clothing that constitutes a school uniform if the board has adopted a uniform requirement or program for the student's school. In adopting a uniform requirement, the board shall promote student, staff, parent and community involvement in the program and account for the financial ability of students to purchase uniforms. [...] Subd. 4. A school board may waive any such deposit or fee if any pupil or the pupil's parent or guardian is unable to pay it."	MINN. STAT. ANN. §123B.36
Missouri (dress codes, uniforms)	"A public school district in any city not within a county shall determine whether a dress code policy requiring students to wear a school uniform is appropriate at any school or schools within such district, and if it is so determined, shall adopt such a policy. The school district may determine the style and color of the school uniform."	MO. REV. STAT. §167.029
Nevada (dress codes, uniforms)	Board may, "in consultation with the schools within the district, parents and legal guardians of pupils who are enrolled in the district, and associations and organizations representing licensed educational personnel within the district, establish a policy that requires pupils to wear school uniforms. The policy must include a description of the uniforms, and state which pupils must wear the uniforms as well as the times during which the uniforms are to be worn. Boards adopting school uniform policies must assist parents or legal guardians who "request financial assistance to purchase the uniforms." The board may likewise adopt a school-hours dress code for "teachers and other personnel" under the board's employ.	NEV. REV. STAT. §392.458
New Hampshire (dress codes)	Under rule allowing school boards to adopt measures for discipline of schools, annotation states that, "While a school board does have power to adopt reasonable restrictions on dress as part of its educational policy and as an educational device, the school board's power must be limited to that required by its function of administering public education."	N.H. REV. STAT. ANN. §189:15
New Jersey (dress codes)	Upon the request of the principal, staff and parents of students at a school, the local board may enact a dress code, provided the board finds the policy will improve the "school-learning environment." Such policies are to include "a provision to assist economically disadvantaged students," to be adopted after a public hearing about the issue, and are not to be implemented with less than three months' notice to students' parents or guardians. The principal, staff and parents of pupils at the individual school will decide upon the specific uniform. The board may choose to add a parental opt-out clause; children of parents who choose to opt out shall not be sanctioned academically or otherwise. Students who belong to a "nationally recognized youth organization" must be allowed to wear that organization's uniform to school "on days that the organization has scheduled a meeting." Local boards also may create policies that forbid students from wearing gang-related clothing or accessories.	N.J. STAT. ANN. §§18A:11-7 and 11-8
New York (dress codes)	Boards may set "provisions regarding conduct, dress and language deemed appropriate and acceptable on school property, including a school function, and conduct, dress and language deemed unacceptable and inappropriate on school property and provisions regarding acceptable civil and respectful treatment of teachers . . . "	N.Y. EDUC. LAW §2801

State	Summary	Code citation
North Carolina (uniforms)	"The State Board of Education may authorize up to five local school administrative units to implement pilot programs in which students are required to wear uniforms in public schools . . . Prior to selecting the pilot units, the State Board of Education shall develop guidelines for local boards of education to use when establishing requirements for students to wear uniforms in public schools. In developing these guidelines, the State Board shall consider (i) ways to promote parental and community involvement in the pilot programs, (ii) relevant state and federal constitutional concerns such as freedom of religion and freedom of speech and (iii) the ability of students to purchase the uniforms . . . Local boards in the pilot units shall establish requirements, consistent with the state board's guidelines, for students enrolled in any of their schools to wear uniforms at school during the regular day." Adds that state monies will not pay for uniforms.	N.C. GEN. STAT. §115C-16
Ohio (dress codes, uniforms)	Boards of education may adopt school uniform or dress code policies under the following conditions: (A) That "ample opportunity for principal, staff and parents to offer suggestions and comments" has been provided; (B) That six months' notice be given parents before a specific uniform is required; (C) That a plan for helping low-income parents obtain uniforms is part of the policy (such plan "may include using school district funds or funds from other sources"); and (D) That on days when a nationally recognized youth organization (which authorizes its own uniforms) "has a scheduled function", students participating in the organization be exempt from wearing their school uniforms.	OHIO REV. CODE ANN. §3313.665
Oklahoma (dress codes, uniforms)	Local boards have the option of adopting a dress code that includes school uniforms.	OKLA. STAT. ANN. tit.70 §6-114
Pennsylvania (dress codes, uniforms)	Board of directors in any school entity may impose limitations on dress and may require pupils to wear standard dress or uniforms. Dress policies may be applicable throughout the school entity or may be applicable to one or more school buildings within the school entity.	PA. STAT. ANN. tit. 24 §13-1317.3
Tennessee (uniforms)	State board of education has duty and authority to create "guidelines and criteria for local adoption and enforcement of uniform clothing for public school students. These guidelines and criteria shall require that uniform clothing be simple, appropriate, readily available and inexpensive. The board is required to disseminate these guidelines and criteria to local education agencies. These guidelines and criteria can be used as a tool for local education agencies that may adopt uniform clothing policies. Adoption of uniform clothing policies shall be at the discretion of the local board of education."	TENN. CODE ANN. §49-1-302 (j)
Texas (uniforms)	If the students attend a school with a uniform policy, they are required to provide themselves with uniforms, except for those who are educationally disadvantaged. District board may adopt school uniform policy. Such policy must indicate where monies will come from for purchasing uniforms for educationally disadvantaged pupils. Policies must include parental opt-out provision "if the parent or guardian provides a written statement that, as determined by the board of trustees, states a bona fide religious or philosophical objection to the requirement." Students will begin to wear uniforms 90 days after the board "adopts the rules that require the uniforms."	TEXAS EDUC. CODE ANN. §11.158 §11.162
Utah (uniforms)	Local boards and public schools may implement school uniform policies, after the "adopting authority" holds a public hearing before formally adopting the policy. If the parents/guardians of 20% of the students sign a petition voicing their objection to the policy, and this petition is presented to the adopting agency within 30 days of the dress code's adoption, an election must be held to consider revocation of the uniform policy. Outlines details of procedure of this election.	UTAH CODE ANN. §53A-15-602

State	Summary	Code citation
Virginia (uniforms)	"A. The Board of Education shall develop model guidelines for local school boards to utilize when establishing requirements for pupils to wear uniforms. In developing these guidelines, the board shall consider (i) ways to promote parental and community involvement, (ii) relevant state and federal constitutional concerns, such as freedom of religion and freedom of speech, and (iii) the ability of pupils to purchase such clothing. "B. Upon approval by the board of the model guidelines, local school boards may establish requirements, consistent with the board's guidelines, for the students enrolled in any of their schools to wear uniforms while in attendance at such school during the regular school day. No state funds may be used for the purchase of school uniforms."	VA. CODE ANN. §22.1-79.2
Washington (dress codes, uniforms)	District boards "may establish schools or programs which parents may choose for their children to attend in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms..." "(2) School district boards of directors may establish schools or programs in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms ... School boards may require that students who are subject to suspension or expulsion attend these schools or programs as a condition of continued enrollment in the school district. (3) If students are required to wear uniforms in these programs or schools, school districts shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation. (4) Nothing in this section impairs or reduces in any manner whatsoever the authority of a board under other law to impose a dress and appearance code. However, if a board requires uniforms under such other authority, it shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation." District boards also may establish policies that forbid students from wearing gang-related apparel. If such a policy is adopted, the board also must inform parents and students of "what clothing and apparel is considered to be gang-related apparel. This notice must precede any disciplinary action resulting from a student wearing gang-related apparel." Students who participate in a nationally recognized youth organization must be allowed to wear that organization's uniform "on days that the organization has a scheduled activity," the district may not "prohibit students from wearing clothing in observance of their religion."	WASH. REV. CODE ANN. § 28A.320.140

Examples of School District-Level Policies on School Uniforms (not inclusive)

District, State	Voluntary	Mandatory	Notes
Highland Park, MI	X 5 schools		
Long Beach Unified, CA		X 70 schools	Parents have option of refusing to comply; there are provisions to supply low-income students with uniforms.
Dade County, FL	X 80 schools	X 46 schools	
Oakland, CA		X	See Long Beach Unified.
District of Columbia	X 41 schools		

Detroit, MI	X 5 schools		
Country Club Hills, IL	X 3 schools		
Chicago, IL	X 225+ schools		
Prairie Hills, IL	X 7 schools		
Baltimore, MD	X 120 schools		Elementary and middle schools only.
Dayton, OH	X 17 schools		
Phoenix, AZ		X 1 school	Constitutionality upheld by county court judge in 1995.
St. Paul, MN		X 1 school	Hazel Park Middle School Academy is phasing in uniforms from 1996-97.
Providence, RI	X 1 school		
Houston, TX			In 1996-97 school year, 168 of 257 schools had uniform policies.
San Antonio, TX		X 94 schools	In December 1997, the district decided to make uniforms mandatory for students in all its elementary, middle and high schools.
New York City, NY		X 454 schools	Affects 565,000 elementary school children. Opt-out provision in place.
Bossier Parish, LA		X 16 schools	Challenged, but court case upheld the policy – Canady v. Bossier Parish Sch. Bd., No 99-31318 (5th Cir. 01/23/01).
Philadelphia, PA		X 259 schools	Affects 212,000 students in grades K-12.
Polk County, FL		X 100 (est.) schools	Includes 54,000 elementary and middle school students; no opt-out provision in place. Policy in place since 1999.

Source: ECS Information Clearinghouse

ECS StateNotes are multistate policy compilations.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • fax 303.296.8332 • www.ecs.org

Voucher, Tax Credit and Tax Deduction Legislation, 2001

This document presents voucher, tax credit and tax deduction legislation that was enacted by state legislatures in their 2001 legislative sessions. If you have any questions about this document, please contact Todd Ziebarth at 303.299.3652 or tziebarth@ecs.org.

Overview

In their 2001 legislative sessions, the following states enacted tax credit programs:

- Florida, Pennsylvania

The following states introduced legislation to create voucher or tax credit programs, or amend previously enacted voucher or tax credit programs, in their 2001 legislative sessions. However, these states failed to pass such legislation:

- Arizona, Arkansas, California, Colorado, Connecticut, Florida, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Wisconsin

Voucher, Tax Credit and Tax Deduction Legislation

Florida
H.B. 21 (was H.B. 271)
Date-Intro: November 29, 2000
Last-Action: June 13, 2001; Signed by Governor. Filed as Chapter No. 2001-225.
Summary: Provides a dollar for dollar credit against the corporate income tax in an amount equal to a taxpayer's contributions to an eligible nonprofit scholarship funding organization; requires the nonprofit scholarship funding organization to use such contributions for scholarships for children who qualify for the federal free or reduced lunch program and provides requirements and limitations for such scholarships.

Pennsylvania
H.B. 996
Date-Intro: March 13, 2001
Last-Action: May 17, 2001; Signed by Governor; Act No. 4 of 2001.
Summary: Provides for an educational improvement tax credit for corporations that donate money to Scholarship Organizations. Corporations will receive a 75% tax credit for their donations, however, if they provide a two-year commitment for equal or greater funding the second year they will receive a 90% tax credit. Scholarships, distributed by Scholarship Organizations, will be used to allow public and non-public school children the opportunity to attend the school of their choice.

© Copyright 2001 by the Education Commission of the States (ECS). All rights reserved.

The Education Commission of the States is a nonprofit, nationwide organization that helps state leaders shape education policy. It is ECS policy to take affirmative action to prevent discrimination in its policies, programs and employment practices.

To request permission to excerpt part of this publication, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303-296-8332 or e-mail ecs@ecs.org.

Education Commission
of the **States**

Education Commission of the States
700 Broadway, Suite 1200
Denver, CO 80203-3460
303.296.3600
Fax: 303.296.8332
www.ecs.org

U.S. Department of Education
Office of Educational Research and Improvement (OERI)
National Library of Education (NLE)
Educational Resources Information Center (ERIC)

NOTICE

Reproduction Basis

[X] This document is covered by a signed "Reproduction Release (Blanket)" form (on file within the ERIC system), encompassing all or classes of documents from its source organization and, therefore, does not require a "Specific Document" Release form.

[ ] This document is Federally-funded, or carries its own permission to reproduce, or is otherwise in the public domain and, therefore, may be reproduced by ERIC without a signed Reproduction Release form (either "Specific Document" or "Blanket").